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**INVESTIGATION OF COMMUNIST ACTIVITIES,
NEW YORK AREA—Part VI
(ENTERTAINMENT)**

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH CONGRESS
FIRST SESSION

—
AUGUST 15 AND 16, 1955
—

(INDEX IN PART VII OF THIS SERIES)
—

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American Activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees :

* * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American Activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpoenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by such chairman, and may be served by any person designated by any such chairman or member.

INVESTIGATION OF COMMUNIST ACTIVITIES, NEW YORK AREA—PART VI (Entertainment)

MONDAY, AUGUST 15, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
New York, N. Y.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10 a. m., pursuant to notice, in room 1703 of the Federal Building, Foley Square, New York, N. Y., Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Walter, Willis, and Scherer.

Staff members present: Frank S. Tavenner, Jr., counsel; Donald T. Appell and Frank Bonora, investigators; and Thomas W. Beale, Sr., chief clerk.

Chairman WALTER. The committee will come to order.

Let the record show that I, Francis Walter, of Pennsylvania, chairman of the Committee on Un-American Activities, House of Representatives, Washington, D. C., pursuant to the provisions of law, have duly appointed a subcommittee for the purpose of conducting this hearing, composed of Representative Edwin E. Willis, of Louisiana, on my right, and Gordon H. Scherer, of Ohio, on my left, and myself as subcommittee chairman. The full membership of the subcommittee is present.

The Congress of the United States has imposed upon this committee the duty of investigating the extent, character, and objects of un-American propaganda activities in the United States, the diffusion within the United States of subversive and un-American propaganda, that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in the performance of its responsibility.

In that connection I would like to state that the investigations here conducted are not being conducted because this subcommittee has any desire to do this work, but are being conducted in pursuance to the provisions of a law which was enacted overwhelmingly, and for the work of the committee the appropriation of which was approved at this session of the Congress unanimously.

Those of you, or those of our citizenry who feel that they have cause to complain about the work of this committee, ought to be aware of the fact that their own Congressman did not oppose the appropriation for this committee.

This committee has devoted the greater part of its effort in the past few years to the investigation of communism. Prior to that time the committee investigated communism, naziism, and fascism. The committee has endeavored to keep Congress informed of the Communist conspiracy within this country.

In the performance of this huge task, the committee in its reports to Congress, has made 48 recommendations for legislation by the Congress, or the strengthening of existing legislation designed to aid the fight against this Communist conspiracy.

All but four of these recommendations have been enacted into law in one form or another by the Congress of the United States.

In performing the statutory duty imposed upon this committee as outlined above, investigation of Communist activities within the field of entertainment, following an earlier interrogation of persons known as the Hollywood Ten, was begun in 1951. During the course of numerous hearings conducted in Los Angeles between 1951 and 1955, it was learned that many individuals alleged to have knowledge of Communist Party activities within this field came to Hollywood from the city of New York, and in instances returned from Hollywood to the city of New York.

A conclusion was reached by the committee several years ago, or several years before I became its chairman, that the hearings begun in the general field of entertainment should be extended to the New York area.

Quite a few witnesses from this area have been heard by the committee in Washington since 1951. A large part of the committee's New York hearings conducted in May of 1953 dealt with activities in the entertainment field. At the original meeting of the committee in January of 1955, further preliminary investigative work was agreed upon, and on June 8, 1955, the committee took the following action:

This is from the minutes of the committee meeting:

The clerk was directed to proceed with the investigation of Communist infiltration in the field of entertainment in New York, a preliminary investigation having been authorized earlier.

In opening these hearings, I should like to state for the record that the committee is concerned with only one problem. That problem is the extent to which the Communist Party is active in the entertainment media. This hearing is not an investigation of the field of entertainment nor of any of the great trade unions which represent actors, actresses, and writers, and allied workers in radio, television, or the legitimate theater.

During these hearings, witnesses will appear before the committee who will, I assume, criticize the committee as they have previously criticized the committee in the public press. They will accuse the committee of being a tool of this organization or that organization, or being an instrument of fear to be raised over the heads of the television and radio workers or the Broadway producers. The committee is interested in one thing and one thing alone. That is to ascertain, and

identify individuals who are or were members of the Communist Party and who are using or did use their influence to promote the objectives of the Communist Party within the entertainment field, and to inquire as to the character, extent, and objectives of such Communist Party activities.

It has been fully established in testimony before congressional committees, and before the courts of our land that the Communist Party of the United States is part of an international conspiracy which is being used as a tool or a weapon by a foreign power to promote its own foreign policy, and which has for its objectives the overthrow of the governments of all non-Communist countries, resorting to the use of force and violence if necessary.

The Communist Party cannot live in this country except by the promulgation and diffusion of subversive and un-American propaganda and in the view of this committee, and of the Congress, every person who remains a member of it is contributing to the ultimate accomplishment of its purposes. Communism and Communist activities cannot be investigated in a vacuum. It is necessary that witnesses be called and interrogated regarding their knowledge of such activities.

It is the standing rule of this committee that any person named in the course of a committee hearing as a member of the Communist Party be given an early opportunity to appear before this committee, if he so desires, for the purpose of denying or explaining any testimony affecting him.

Should such an occasion arise, the individual concerned should communicate with a member of the staff or with me.

Those of you present in this hearing room are reminded that you are the guests of the committee. A disturbance of any kind, or audible comment during the course of testimony, whether favorable or unfavorable to any witness or the committee will not be tolerated. For infractions of this rule, the offender will be immediately asked to leave the room.

May I make it clear that the fact that a lawyer appears before the committee as counsel for a witness should not be taken as any disparagement of counsel for so doing. We invite counsel to be present. However, for the benefit of counsel who have not heretofore appeared before this committee, may I state a positive limitation on the privilege that legal counsel has before this committee? Counsel is not permitted to address the committee or to argue questions of law or fact with the committee. Counsel is permitted to be present for the purpose of advising his client of his constitutional rights, which of course the counsel will understand does not include prompting the witness, or suggesting testimony as to factual matters.

Have you a witness, Mr. Tavenner?

MR. TAVENNER. Yes, sir. I would like to call Mr. George Tyne.

Mr. Tyne, will you come forward, please?

Chairman WALTER. Mr. Tyne, will you raise your right hand, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. TYNE. I do.

**TESTIMONY OF GEORGE TYNE, ACCOMPANIED BY COUNSEL,
MARTIN POPPER**

Mr. TAVENNER. What is your name, please, sir?

Mr. TYNE. My name is George Tyne.

Mr. TAVENNER. It is noted that you are accompanied by counsel, Will counsel please identify himself for the record?

Mr. POPPER. Martin Popper, member of the bar of the State of New York.

Mr. TAVENNER. When and where were you born, Mr. Tyne?

Mr. TYNE. I was born in Philadelphia, Pa., February 6, 1917.

Mr. TAVENNER. Where do you now reside?

Mr. TYNE. I reside in New York City.

Mr. TAVENNER. At what address?

Mr. TYNE. 415 Central Park West.

Mr. TAVENNER. How long have you lived in New York City?

Mr. TYNE. Well, at this residence, sir?

Mr. TAVENNER. Begin that way, yes, at that residence.

Mr. TYNE. The reason I asked, is that I have been out of New York for most of my adult life. At this address, I have been, I think, about 2 years or 3 years.

Mr. TAVENNER. What is your occupation?

Mr. TYNE. I am a radio, screen, theater, and television actor.

Mr. TAVENNER. In what work are you presently engaged?

Mr. TYNE. I am presently engaged in the theater.

Mr. TAVENNER. What type of work in the theater?

Mr. TYNE. As an actor.

Mr. TAVENNER. In what play are you an actor?

Mr. TYNE. The Rainmaker.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. TYNE. Formal educational training consisted of spending my primary education in Philadelphia, and in New York City. I graduated from high school in Brooklyn, and attended the School of Business Administration of City College for two semesters at night and that is the end of my formal education.

May I inject, sir, I have a statement that I would like to make to this committee. May I read it?

Chairman WALTER. No; you may file it and it will be made a part of the record.

Mr. TAVENNER. In all probability, my questions will bring out or give you an opportunity to state what you have in mind, if your statement is material to the inquiry.

Will you tell the committee, please, what your career has been in the field of acting?

Mr. TYNE. Surely. I have done a number of plays in New York and in—

Mr. TAVENNER. Let us begin first with the plays you did in New York, and the period of time.

Mr. TYNE. Surely. My first professional engagement was in a musical entitled, "Of Thee We Sing." I also appeared subsequently in another musical review entitled, "Let Freedom Sing."

Mr. TAVENNER. Were those engagements in New York?

Mr. TYNE. That is right.

Mr. TAVENNER. Approximately what date?

Mr. TYNE. I would say 1941 and 1942.

I have appeared in Sound of Hunting, See the Jaguar, Lunatics and Lovers, and I also appeared in plays in California.

Mr. TAVENNER. Were the plays that you mentioned, plays in New York?

Mr. TYNE. The preceding ones?

Mr. TAVENNER. Yes.

Mr. TYNE. Yes, sir.

Mr. TAVENNER. During what period of time?

Mr. TYNE. Well, I just mentioned the first two were around 1941 and 1942, and the subsequent Sound of Hunting was in 1945.

Mr. TAVENNER. How were you employed between 1942 and 1945?

Mr. TYNE. That is what I am getting at. I went to California, at which time I appeared in plays and in motion pictures.

Mr. TAVENNER. When did you go to California?

Mr. TYNE. I went to California in the end of 1942, I believe, sir, and I am not sure of the exact month.

Mr. TAVENNER. What was your employment after you arrived in California?

Mr. TYNE. I was employed in the motion picture industry as an actor, and I appeared in many films, up until the year 1951, at which time I was blacklisted out of the motion picture industry. This committee published my name, in a press release, in a newspaper, which ended my acting in the motion-picture industry.

Chairman WALTER. Just a minute, let us get the record straight. The committee didn't publish your name at all. Your name appeared in the public press; isn't that correct?

Mr. TYNE. I think that is tantamount.

Chairman WALTER. All right.

Mr. TAVENNER. Did you have employment arranged in Hollywood prior to your leaving New York in 1942?

Mr. TYNE. I don't think that I quite understand.

Mr. TAVENNER. Did you go to Hollywood for the purpose of seeking employment, or were you certain of your employment before leaving New York?

Mr. TYNE. Well, if you know anything about actors, and their search for employment—

Mr. TAVENNER. I am just asking you what was the situation in your case. I am not asking about actors generally.

Mr. TYNE. Well, I think mine is a pretty general case.

Mr. TAVENNER. What was the situation in your case?

Mr. TYNE. I went to seek my fortune in Hollywood, and I went to look for a job in the motion picture industry.

Mr. TAVENNER. What was your first employment in Hollywood?

Mr. TYNE. My first picture?

Mr. TAVENNER. Your first employment.

Mr. TYNE. You see, the reason I can't quite recall, sir, is the first couple of years in Hollywood I worked at what we call in the trade, as a "bit actor." This entailed 1 or 2 days work in a motion picture, I am sure you are acquainted with this, and I must say over a period of years I have done 50 or 60, and I am trying to recall the first one. I think it was a comedy, with Laurel and Hardy. I think that was a day's work on a set, and I couldn't remember the name of the picture.

Mr. TAVENNER. Will you give us your screen credits while acting as a moving picture artist or actor.

Mr. TYNE. I have appeared—suppose I give you the important credits, as I said, I don't want to mention the 50 or 60, it is a waste of time.

Mr. TAVENNER. And give us the approximate date.

Mr. TYNE. Surely. I free-lanced at the major studios. At Twentieth Century Fox, I appeared in Call Northside 777. And the date, I think it is 1947, and I am not sure of that.

Mr. TAVENNER. Did you have any screen credits prior to 1947?

Mr. TYNE. Yes. I am not taking these in any particular chronological order, and just as they occur to me.

Mr. TAVENNER. Pick out the first credit.

Mr. TYNE. The first major credit was A Walk in the Sun.

Mr. TAVENNER. At approximately what date?

Mr. TYNE. That was shot during 1943, and I think it was released in 1944.

Mr. TAVENNER. What was your next credit?

Mr. TYNE. Call Northside 777 I think was the next one, and The Highway was the next one, in 1947 and 1948.

Mr. TAVENNER. Did you go from 1942 until 1947 without a screen credit?

Mr. TYNE. Yes, sir. The screen credit, you mean feature billing on the screen, as I said before, many jobs didn't give you the right to have screen credit.

Mr. TAVENNER. How were you employed in 1944? That is after you had your first screen credit.

Mr. TYNE. As I said before, I was employed as a bit actor, free lancing from one studio to another, jobs entailing 1 or 2 days at a time.

Mr. TAVENNER. Where did you reside during that period, in 1944?

Mr. TYNE. In Hollywood.

Mr. TAVENNER. Where?

Mr. TYNE. In 1944, I don't remember. I would speculate, I think it was Sycamore Avenue, and I think it was Pinehurst Drive, and of course I moved a couple of times in that area.

Mr. TAVENNER. Do you recall what address on Sycamore Avenue?

Mr. TYNE. I don't remember.

Mr. TAVENNER. Do you recall what address on Pinehurst Drive?

Mr. TYNE. I think it was twenty-one-hundred-something, and I am not sure.

Mr. TAVENNER. Could it have been 2008?

Mr. TYNE. Well, frankly, it sounds right, but I couldn't say, I wouldn't swear that it is.

Mr. TAVENNER. Very well, will you proceed now to give us your other screen credits in Hollywood?

Mr. TYNE. I skipped one, Walk in the Sun, Objective Burma, a Warner Brothers picture, and Sands of Iwo Jima.

Mr. TAVENNER. Approximately what date?

Mr. TYNE. Objective Burma was also 1944, and Sands of Iwo Jima was I think, in 1948 or 1949, if I remember correctly. I think that is right.

Mr. TAVENNER. Will you proceed with the remaining major screen credits which you have received.

Mr. TYNE. After that I appeared in, Decision Before Dawn, where I received feature billing, and that was the last moving picture job I had.

Mr. TAVENNER. When was that?

Mr. TYNE. In 1951.

Mr. TAVENNER. What part of 1951?

Mr. TYNE. Well, the picture was made in 1950, it was shot in 1950 and the production was in 1950, and it was released in 1951. I couldn't recall exactly what date it was.

Mr. TAVENNER. Then, what was your next work in Hollywood?

Mr. TYNE. As I said before, because of the fact that I was black-listed out of the motion picture industry, I came to New York to seek employment.

Mr. TAVENNER. When did you come to New York?

Mr. TYNE. I was in New York in the end of 1951.

Mr. TAVENNER. By the end of 1951, do you mean by December of 1951?

Mr. TYNE. I think I came to New York Christmas Eve, or Christmas Day. I think it was Christmas Eve.

Mr. TAVENNER. Where were you prior to coming to New York?

Mr. TYNE. Prior to coming to New York I was in Europe.

Mr. TAVENNER. When did you go to Europe?

Mr. TYNE. I went to Europe in 1950.

Mr. TAVENNER. So you were in Europe from 1950 until December of 1951?

Mr. TYNE. That is right.

Mr. TAVENNER. What was your purpose in going to Europe?

Mr. TYNE. My original purpose was to be a tourist, to see the world, and fortunately, I found employment in Decision Before Dawn which kept me occupied, or the job lasted practically about 10 months.

Mr. TAVENNER. What was the name of your employer?

Mr. TYNE. That was Twentieth Century Fox production, Decision Before Dawn.

Mr. TAVENNER. And that was work you did abroad?

Mr. TYNE. That is right.

Mr. TAVENNER. Where?

Mr. TYNE. The picture was shot in Germany. Would you like to know the cities? It was on location.

Mr. TAVENNER. That is sufficient. Then you returned in December of 1951 to New York?

Mr. TYNE. That is right.

Mr. TAVENNER. What employment did you obtain in New York?

Mr. TYNE. I obtained employment on television.

Mr. TAVENNER. By whom were you employed?

Mr. TYNE. I am trying to remember the first show. I think it was the Columbia Workshop.

Mr. TAVENNER. About when did you obtain that employment?

Mr. TYNE. I couldn't remember the specific date. I think it was in the spring of that year, of 1952. I do not have the dates with me, and I couldn't tell you specifically.

Mr. TAVENNER. Was it as early as February of 1952?

Mr. TYNE. It might be.

Mr. TAVENNER. How long did you remain employed in television after your first employment in February of 1952 in New York?

Mr. TYNE. Well, I would say approximately 3 or 4 months, that is, I was blacklisted off television I think in May, and I am not sure, April or May. So I would say 3 or 4 months.

Mr. TAVENNER. Where did you go then?

Mr. TYNE. That summer I drove back to California and assisted my father in his business, since he needed help, and since I was out of work and I could not work on television, and I decided this would be a good way to spend the summer.

Mr. TAVENNER. How long did you remain in California?

Mr. TYNE. I remained in California, let us put it this way, I was there about a year, but it was interrupted by a job in a play called See the Jaguar, and unfortunately it only lasted 5 performances. So I went right back to California.

Mr. TAVENNER. How long did you remain in California?

Mr. TYNE. As I said, about a year.

Mr. TAVENNER. Then you mentioned you came back to New York.

Mr. TYNE. That is right, I came back in September, I think it was 2 years ago.

Mr. TAVENNER. That would be 1953.

Mr. TYNE. I think that is correct.

Mr. TAVENNER. What has been your employment since 1953?

Mr. TYNE. Now, in 1953 it was pretty rough. I did some winter stock which amounted to about 2 or 3 weeks in Memphis, Tenn., and do you want to know the plays?

I appeared in an off-Broadway production, Three-Penny Opera, and I spent the subsequent summer as a director of theatrical activities at a summer resort, and I returned to New York again to seek further employment, and I got a job with Lunatics and Lovers, which I was with from approximately the end of October to the end of July.

Mr. SCHERER. Pardon me, may I interrupt to ask a question?

Did you say that you were a director of entertainment at a summer camp?

Mr. TYNE. Summer resort.

Mr. SCHERER. Where was that resort located?

Mr. TYNE. Schrooncrest.

Mr. SCHERER. In what State?

Mr. TYNE. Pottersville, N. Y.

Mr. SCHERER. In what year were you at this resort?

Mr. TYNE. This was a year ago this past summer. This summer, that is right.

Mr. TAVENNER. Was that a resort or was it in the nature of a camp which young people attended for the summer?

Mr. TYNE. It was an adult hotel resort. As a matter of fact, they frowned on children coming there. Probably felt they ate too much or something.

Mr. TAVENNER. At what other resorts did you work in 1953?

Mr. TYNE. That is it.

Mr. TAVENNER. Is George Tyne your professional name?

Mr. TYNE. That is right; it is.

Mr. TAVENNER. What is your real name?

Mr. TYNE. I was born Martin Yarus.

Mr. TAVENNER. Did you at any time act under that name?

Mr. TYNE. Yes.

Mr. TAVENNER. So you did for a period of time, use your own name, and then later adopted a professional name?

Mr. TYNE. Which is also my own name. I think they both are my own names.

Mr. TAVENNER. But one is your professional name, and the other is the name under which you were born?

Mr. TYNE. Well, as you pointed out, I have used both professionally.

Mr. TAVENNER. I have noticed in some references to plays in which you have been engaged, that your name has been used George, and then parenthesis "Buddy", parenthesis, and Tyne. Were you known as "Buddy" Yarus?

Mr. TYNE. Yes, Buddy is a nickname that my intimates use, and my family.

Mr. TAVENNER. You stated that you left California in 1950 for Europe. What time in 1950 did you leave?

Mr. TYNE. In May, I think.

Mr. TAVENNER. Was that about the time the Committee on Un-American Activities was calling members from the moving-picture industry, and I mean by that, persons employed by the moving-picture industry, to Washington for purposes of interrogation?

Mr. TYNE. May I consult my counsel?

Mr. TAVENNER. Yes.

(The witness consulted his counsel.)

Mr. TYNE. My only knowledge of that would be of what I read in the public press, and also the press that I read while I was in Europe. While here and also while in Europe.

Mr. TAVENNER. What is your knowledge of it?

Mr. TYNE. I think, as you stated, that this committee called people for inquiry.

Mr. TAVENNER. Were you aware that a subpoena was issued on June 15, 1951, for your appearance before the committee in the city of Washington, and which the United States marshal in the southern district of California as late as September 10, 1951, was unable to serve? Were you aware of the existence of that subpoena for you?

Mr. TYNE. I was not aware of this subpoena until several months after my name had appeared in the Los Angeles newspapers that this committee was looking for me.

Mr. TAVENNER. You didn't advise the committee where you were, did you?

Mr. TYNE. As I said before, that was several months later.

Mr. SCHERER. The question is whether you advised the committee several months later where you were.

Mr. TYNE. No, of course not.

Mr. TAVENNER. Were you advised in February of 1952, when you were employed in New York City for a period of about 3 months, that the committee was endeavoring to serve a subpoena on you in New York City?

Mr. TYNE. No.

Mr. TAVENNER. I understand from your testimony, that you went to California in 1942. I have before me the testimony of Mr. Lee J. Cobb, which was taken before this committee on June 2, 1953. Mr. Cobb described to the committee his Communist Party membership, and the activities in the Communist Party which he was aware of,

and he told the committee how he got into the Communist Party and the circumstances under which he left it.

He advised the committee that in January or February of 1943 he was a member of a group of the Communist Party of which George Tyne, Elliott Sullivan, and Victor Killian were members. In referring to you, he uses the name George Tyne, also known as Buddy Yarus.

Were you a member of the group of the Communist Party in 1943 of which Mr. Lee J. Cobb was a member?

(The witness consulted with his counsel.)

Mr. TYNE. Mr. Tavenner, I would like to say that I see no legislative purpose in this committee and its inquiry into the theater, and I would like to voice my responsibility to the Constitution and say that this committee has no right to invade my inner beliefs and my conscience or my associations.

Chairman WALTER. Maybe we could shorten this by asking you if you know Mr. Cobb. Do you know Mr. Lee J. Cobb?

Mr. TYNE. As I said before, my associations and my beliefs are my own.

Chairman WALTER. That is not an answer to the question. Either answer the question or do not. If you don't, why don't you?

Mr. TYNE. Because I feel that I have to answer this in my own way, and secondly I take no value in the word of a stool pigeon.

Chairman WALTER. Now just a moment; Mr. Cobb is not a stool pigeon, and I assume, that because you have described him as such, you are disturbed because he told about your activities with him in an illegal field. Isn't that why you describe him as a stool pigeon?

Mr. TYNE. I am disturbed by anybody who appears before this committee as a stool pigeon, who curries favor, who tries to get jobs, and money, and gives names.

Chairman WALTER. That is not a response to the question. Do you know Mr. Lee J. Cobb?

Mr. TYNE. I think that—one moment.

(The witness consulted with his counsel.)

Mr. TYNE. I must repeat that I find—

Chairman WALTER. Do you know Mr. Lee J. Cobb?

Mr. TYNE. I am trying to answer the question.

Chairman WALTER. You have not answered it at all.

Mr. TYNE. I have to answer it the way I can answer it.

Chairman WALTER. Do you know Lee J. Cobb, and I direct you to answer that question.

Mr. TYNE. I want to say I find this question an invasion of my private—

Chairman WALTER. Do you know Lee J. Cobb?

Mr. TYNE. I repeat, sir, this is an invasion of my associations, and—

Chairman WALTER. The Supreme Court has already passed on that; so you are in error, and now, do you know Lee J. Cobb?

Mr. TYNE. As far as I know, Mr. Walter, I haven't got your experience with the Constitution and the laws.

Chairman WALTER. Do you know Lee J. Cobb?

Mr. TYNE. I must answer that I refuse to have my rights and my private associations invaded, and I cannot answer that question.

Chairman WALTER. In other words, you refuse to answer the question?

Mr. TYNE. I refuse to answer because I feel this committee has no right——

Chairman WALTER. For what reason?

Mr. TYNE. Because I feel this committee is invading my conscience, and my beliefs, and my rights as a human being, under the Constitution, as a member of the fourth branch of the Government, the citizenry, and I cannot see any point to the inquiry of this committee, what legislative purpose in knowing——

Chairman WALTER. For what constitutional reason do you refuse to answer the question?

Mr. TYNE. I think that I have made my reason quite clear.

Mr. SCHERER. I think that we should say to the witness that he has not given a sufficient legal reason for not answering the question, and in our opinion he is guilty of contempt.

Chairman WALTER. Under the recent decisions of the Supreme Court, it is the duty of the committee to warn a witness when he takes the position that you have taken, that he is in contempt. I advise you, or at least I warn you, that in our judgment, you are in contempt for not giving a legal reason for not answering the question.

(The witness consulted his counsel.)

Mr. TYNE. I would like to say that I beg to differ with the chairman.

Chairman WALTER. All right. You have refused to answer the question. Ask the next question, Mr. Tavenner.

Mr. TYNE. There is no legislative purpose, and their point——

Chairman WALTER. Let us get over that bridge. I have heard all that about legislative purpose before. We have another purpose, and it is within the law. The Supreme Court has passed on that, and we are doing a very distasteful job in accordance with the law. If you are not going to answer the question, all right. Ask another question, Mr. Tavenner.

Mr. SCHERER. Mr. Chairman, before Mr. Tavenner proceeds, may I ask a question?

Mr. Tyne, Mr. Tavenner read to you the testimony of Mr. Cobb before this committee, and you classify Mr. Cobb as a stool pigeon. Was any of the testimony that was given to this committee by Mr. Cobb about you untrue? You have your opportunity now to say whether the testimony of this man, whom you classify as a stool pigeon, was true or untrue.

Mr. TYNE. I will use this opportunity. I think this is a variation of the same question, and I feel this is an invasion of my rights as an individual, and I will not talk about my political, personal, or private beliefs, and I stand on my constitutional rights.

Mr. SCHERER. He didn't say anything about your beliefs. He merely said you were a member of a Communist cell.

Mr. TYNE. I have answered your question.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer my question as to whether or not anything Mr. Cobb said in his testimony before this committee about this witness was untrue.

Chairman WALTER. I direct you to answer that question.

Mr. TYNE. I say, again, that I stand on the basic rights, the Bill of Rights, of the Constitution, which says that Congress has no right to make inquiries or interfere or question my private beliefs, and the

invasion of my associations and of my conscience. There is no legislative purpose in this committee making an inquiry into the theater. This is an area of ideas.

Chairman WALTER. Just a minute. You are not the theater. You may think you are, but you are not the theater.

Mr. TYNE. I am a proud member of this theater.

Chairman WALTER. That is a difference.

Mr. TYNE. I am a member and I want that clear, and I have worked many years in polishing my craft so I could be in this theater. I am very proud of my profession, and I am proud of my talent.

Chairman WALTER. Yes, I suppose you are.

Mr. TYNE. That makes me an integral part of the theater of America, of the United States of America.

Chairman WALTER. But I think that most people in the theater would think that you are presumptuous for attempting to speak for them.

Will you proceed, Mr. Tavenner?

Mr. TAVENNER. Mr. Tyne, I have before me a photostatic copy of a Communist Party registration card, which shows that the 1944 card number was 46948, the name is Buddy Yarus, and the address, 2008 Pinehurst, city of Hollywood, county of Los Angeles, State of California. The new card issued December 9, 1944. Will you examine the document please, and state whether or not you recognize it as having been your Communist Party card?

(A document was handed to the witness.)

(The witness consulted with his counsel.)

Mr. TYNE. I think this is the same question, sir, and just in another form.

Mr. SCHERER. Mr. Chairman, he has not looked at the card, and I think that you should direct him to look at the exhibit which was handed to him.

Mr. TYNE. I have looked at the card, and I see it.

Chairman WALTER. Is it your card?

Mr. TYNE. Again I am not going to answer that, Mr. Chairman, because I feel this is an invasion of my rights and my beliefs.

Mr. SCHERER. I ask you to direct the witness to answer.

Chairman WALTER. I direct you to answer that question.

Mr. TYNE. I have to repeat, sir, that I stand on my previous answer.

Chairman WALTER. Which is what?

Mr. TYNE. That I see no legislative purpose in this committee's inquiry into the theater, and I stand on my constitutional rights, and not only do I stand on it but I feel a responsibility to stand on my constitutional rights that this committee has no right to invade my beliefs, my associations, and how I think.

Mr. SCHERER. I understand then that you are not relying on the fifth amendment?

Mr. TYNE. That is right, and I would like to point out that I have no incriminating evidence to hide, and I recognize the validity of the fifth, and I think the people who have used it, and the privilege is wonderful.

Chairman WALTER. Will you ask the next question, Mr. Tavenner?

Mr. TAVENNER. Were you one of the 1,500 delegates who attended a peace meeting at Mexico City in August of 1949?

(The witness consulted with his counsel.)

Mr. TYNE. I must repeat I think this is the same question, and you are trying to make some association or try to find out what my political beliefs are.

Mr. SCHERER. That is not the same question.

Chairman WALTER. I direct you to answer that question.

Mr. TYNE. I think it is the same question, sir, and the same kind, and I must answer in the same way.

Chairman WALTER. You are not under any obligation to answer, and you say that you must answer. You are not obliged to answer in that fashion.

(The witness consulted with his counsel.)

Mr. TYNE. It isn't a question of obligation. I have a right to answer as I see fit.

Mr. SCHERER. In refusing to answer Mr. Tavenner's question as to whether or not you attended this meeting in Mexico City, you are not relying on the fifth amendment; is that right?

Mr. TYNE. That is right.

Mr. TAVENNER. Were you a sponsor of that meeting?

Mr. TYNE. The same pattern, and the same question.

Chairman WALTER. I direct you to answer that question.

Mr. TYNE. I repeat, sir, that I have a right not to have my personal affiliations, associations, and beliefs invaded by any committee, and I stand on that as my answer.

Mr. TAVENNER. In ascribing to the committee the shows in which you participated in California, did you advise the committee that you took part or that you were the director of a show in 1953 entitled, "Going Down the Road"?

(The witness consulted with his counsel.)

Mr. TYNE. Yes; I participated in this production.

Mr. TAVENNER. Were you its director?

Mr. TYNE. Yes.

Mr. TAVENNER. I hand you a photostatic copy of the July 15, 1953, issue of the Daily People's World, published in California. It carries an article over the name of Charles Glenn. Were you personally acquainted with Charles Glenn?

Mr. TYNE. There we go again. That is the same question, and it is the same pattern. I will not reveal my associations and my beliefs to this committee.

Chairman WALTER. You are not being asked anything about your beliefs at all. You are being asked whether or not you know Charles Glenn.

Mr. TYNE. I am being asked about my associations.

Chairman WALTER. Do you know Charles Glenn?

(The witness consulted with his counsel.)

Mr. TYNE. From what I understand of the Constitution, I have a right to peacefully assemble with anyone.

Chairman WALTER. We are not talking about that, and we are not questioning that. What we are asking you is whether or not you know this man.

Mr. TYNE. I think that I have made my position clear.

Mr. SCHERER. I ask that you direct the witness to answer.

Chairman WALTER. I direct the witness to answer.

Mr. TYNE. Then I repeat that this committee has no right to invade my political beliefs, and my associations, and my conscience, and I stand on that as my answer. No matter what way you ask me.

Mr. TAVENNER. Mr. Tyne, the reviewer, Charles Glenn, has this to say about the show :

Bourgeois theater entrepreneurs insist upon entertainment values, so called, and an abandonment of a minimizing of a "message"—

the "message" is in quotation marks—

A people's theater must insist on content, on the dramatization of the struggles of the people. It must insist as well on its "message," being clothed in a form lending itself to dramatic and entertainment value. Freedom Stage undoubtedly has this potential in its group, and so does Ellis, and this play proves it.

I want to ask you whether or not this was a play designed to carry a Communist message?

(The witness consulted with his counsel.)

Mr. TYNE. I think this question really reveals the purpose of this committee in New York City, in the sense that you are trying to control and censor and set up conformity as to what should appear on the stage in America. I think that this is an invasion of the first amendment as I believe it to be.

Mr. SCHERER. I ask you to direct the witness to answer.

Mr. TYNE. I see no legislative purpose, and incidentally, I think, as I understand the Constitution, that this committee has no right to legislate in this area.

Chairman WALTER. Just a moment. I think not for your benefit, but I think for the benefit of the record it might be appropriate for me to read a part of the decision in the case of the United States against Josephson, in which the same question was raised.

The argument of the appellant, and the amicus, is in substance that the committee's power to investigate is limited by Congress' power to legislate. Congress is prohibited from legislating on matters of thought, speech, or opinion.

Ergo, a statute empowering a congressional committee to investigate such powers is unconstitutional. The mere statement of this syllogism is sufficient to refute it.

That is what the Supreme Court of the United States has had to say about what you are talking about.

Mr. SCHERER. I want to keep the record straight. I ask that you direct the witness to answer Mr. Tavenner's last question.

Chairman WALTER. I direct you to answer Mr. Tavenner's last question.

Mr. TYNE. May my attorney answer the legal argument?

Chairman WALTER. No, I know what he will say.

Mr. POPPER. I will say that you made an error, first of all, because that wasn't the Supreme Court.

Chairman WALTER. It is the circuit court of appeals, but the Supreme Court refused to review.

Mr. POPPER. That is the point. Very recently the Supreme Court decided to review it.

Chairman WALTER. I am just keeping the record straight.

Mr. TAVENNER. The chairman directed that you answer the question. You did not reply.

Mr. TYNE. I have forgotten what the question was.

Mr. TAVENNER. Will the reporter read the question?

(Whereupon the reporter read the pending question as above recorded.)

Mr. SCHERER. That is the question I asked Mr. Chairman to direct the witness to answer.

Chairman WALTER. I direct you to answer the question.

Mr. TYNE. I feel I have already answered that question in answering the previous questions, and this is the same question.

Mr. SCHERER. For the record, I think it should be stated that we do not accept his answer, and we feel that the reasons given are not legal reasons for refusing to answer the question. In our opinion the witness is in contempt of the committee. I think that is in conformity with the Supreme Court decision.

Chairman WALTER. That is correct.

Mr. SCHERER. I think we should state our position, namely, that my statement is a basis for a future action by this committee of a citation for contempt.

Mr. TAVENNER. Were you a member of the Communist Party at the time that you were engaged as director of this play?

Mr. TYNE. Here we go again. This is the same question, and I give you the same answer. This is an invasion of my private rights and associations and beliefs, and personal political beliefs, and I stand on that.

Chairman WALTER. Is that the sole reason for your refusing to answer?

Mr. TYNE. I also see no pertinency of any legislative purpose.

Mr. SCHERER. Do I understand that you are not relying on the fifth amendment for refusing to answer this question?

Mr. TYNE. Exactly, sir, and there is no question of self-incrimination. I have great respect for the fifth amendment and the people who use it.

Mr. WILLIS. But you are not invoking it?

Mr. TYNE. I am not invoking the fifth. I personally feel that I have to stand on what I think is my constitutional right which is that this committee or any section of Congress has no right to invade my privacy as a citizen, and my beliefs, and my associations.

Mr. SCHERER. Even as to your membership in a criminal conspiracy which the Communist conspiracy is? Do you feel that way?

Mr. TYNE. I am not in a position to argue any opinion.

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Tyne, are you a member of any unions organized within the field of acting?

(The witness consulted with his counsel.)

Mr. TYNE. I repeat the answer to this question is the same as the question about my association and my beliefs, and I see no pertinent points or any legislative purpose in answering your question because I think it is an invasion of my rights as an individual, my economic and political beliefs, and my conscience.

Mr. WILLIS. I think he should be directed to answer the question.

Chairman WALTER. I direct you to answer the question.

(The witness consulted with his counsel.)

Mr. TYNE. I have answered the question, and I stand on that.

Mr. TAVENNER. Are you a member of Actors Equity?

Mr. TYNE. That is the same question.

Mr. TAVENNER. Well then answer it.

Mr. TYNE. I have answered the question.

Chairman WALTER. I direct you to answer the question as to whether or not you are a member of Actors Equity?

(The witness consulted with his counsel.)

Mr. TYNE. I must answer in the same way, and I repeat it, and this committee has no right to ask me of my associations and my beliefs and I stand on that as my answer.

Mr. TAVENNER. Are you a member of the American Federation of Television and Radio Artists?

Mr. TYNE. That is the same question and I give you the same answer.

Mr. TAVENNER. I ask that the witness be directed to answer.

Chairman WALTER. I direct you to answer the question.

Mr. TYNE. I repeat, this committee has no right to inquire into my associations, my beliefs, and my conscience.

Chairman WALTER. In view of the fact that that is not an answer, I am compelled to warn you that you are in contempt of this committee.

(The witness consulted with his counsel.)

Mr. TYNE. That is your opinion, and I disagree with it.

Mr. TAVENNER. Are you aware of the existence within the American Federation of Television and Radio Artists of a caucus composed of members of the Communist Party who are also members of that organization?

Mr. TYNE. I think that your question is trying to entrap me, and I have already answered, and it is just the same thing all over again with another form and another word. If you would like me to repeat what I believe and what I stand on, I will.

Chairman WALTER. Never mind, you have already answered the question.

Mr. TYNE. I am glad I made myself clear.

Chairman WALTER. You haven't exactly made yourself clear, but we know what you are saying.

Mr. TYNE. The committee has made itself clear, and I feel that I have made myself clear.

Chairman WALTER. All right. Proceed, Mr. Tavenner.

Mr. SCHERER. I think that there should be a direction to answer Mr. Tavenner's last question. We do not accept his answer.

Chairman WALTER. I direct you to answer that question.

Mr. TYNE. I will gladly repeat my previous answer, that this committee or any section of Congress has no right to invade the rights of the individual, his beliefs, his conscience, his associations and his right to assemble, period.

Mr. TAVENNER. Have you at any time attended a caucus of members of the American Federation of Television and Radio Artists, who were members of the Communist Party?

Mr. TYNE. This is the same question with a few other adjectives and nouns. I repeat my answer to this question, that I stand on my constitutional right that this committee has no right to invade my rights and my associations.

Mr. TAVENNER. May I ask a direction?

Chairman WALTER. I direct you to answer the question.

Mr. TYNE. Yes, it has gone on, and it is very easy to see. It is getting a little monotonous.

Chairman WALTER. It is not monotonous to us.

Mr. TYNE. Certainly it is not to me, because I am very clear in my position. I stand on my constitutional right to say this committee has no right and no legislative purpose in invading this area of my thinking, and my associations, and my beliefs.

Mr. TAVENNER. Are you aware of any effort made by the Communist Party to exert influence within any union of which you are a member?

Mr. TYNE. This is another question to try to entrap me, and I repeat—

Mr. TAVENNER. No, it is an effort to obtain facts, Mr. Tyne, which you apparently are unwilling to give the committee.

Mr. SCHERER. Facts which, if he wanted to, he could give the committee. I know he has knowledge of the situation.

(The witness consulted with his counsel.)

Mr. TYNE. Would you please repeat the question?

(Whereupon the reporter read the pending question as above recorded.)

Mr. TYNE. I believe this is the same question in other words. I would like to say again that I think this committee has no right to invade my rights and I would like to see the day when the courts will uphold my feeling about this, and the feeling of a lot of people, that there is no legislative purpose in making inquiries into the theater, or inquiries—

Chairman WALTER. We made it abundantly clear that we are not making any inquiry into the theater. We are just finding out, if we can, what elements there are in the theater which might at some time or other bring criticism upon decent and innocent people.

Now go ahead, Mr. Tavenner, and ask the next question.

Mr. TAVENNER. I have no further questions.

Mr. TYNE. Does that prove that you have no legislative purpose, that statement that you just made, Mr. Walter?

Chairman WALTER. Are there any further questions?

Mr. TAVENNER. No, sir.

Chairman WALTER. Are you a member of the Communist Party?

Mr. TYNE. That is the same question.

Chairman WALTER. Now, right now, are you a member of the Communist Party?

Mr. TYNE. Mr. Walter, if I were to answer that, that would be in my feeling, personally, that I would be violating the Constitution which says that Congress has no right to invade the beliefs and the associations and the conscience of the individuals of this country. That is my answer.

Chairman WALTER. Are there any questions?

Mr. SCHERER. I ask you to direct the witness to answer your last question.

Chairman WALTER. We will proceed.

Do you have a question?

Mr. SCHERER. No.

(Whereupon the witness was excused.)

Mr. TAVENNER. I will call Mr. John Randolph.

Mr. BOUDIN. May I ask that there will be no pictures?

Chairman WALTER. After he starts to testify, there will be no pictures taken. You know the rule and you have been before this com-

mittee on other occasions, and you know that the rule is to permit the taking of pictures prior to the testifying of the witness.

Will the witness take his place, please? Will you stand up, please, and raise your right hand?

Mr. RANDOLPH. Can I put my papers out?

Chairman WALTER. After you are sworn. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RANDOLPH. I do.

Now I would like to have no pictures and no camera and nothing taken of me during or before or afterward.

Chairman WALTER. That is right.

TESTIMONY OF JOHN RANDOLPH; ACCOMPANIED BY HIS COUNSEL, LEONARD B. BOUDIN

Mr. TAVENNER. Will you state your name, please?

Mr. RANDOLPH. Just a minute, sir, do you mind, please?

Mr. TAVENNER. It is quite all right.

Chairman WALTER. The committee will stand in recess for 5 minutes, and that will give you an opportunity to arrange your props.

(Whereupon, a short recess was taken by the committee.)

Chairman WALTER. We will proceed.

Mr. TAVENNER. Will you state your name, please, sir?

(The witness consulted with counsel.)

Mr. RANDOLPH. John Randolph.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Would counsel please identify himself for the record?

Mr. BOUDIN. Leonard Boudin, 25 Broad Street, New York, 5, N. Y.

Excuse me, Mr. Tavenner, the witness wishes to ask a question which relates directly to the jurisdiction of the committee.

Chairman WALTER. You are not going to ask questions. You are here to answer them.

Mr. TAVENNER. When were you born?

Mr. RANDOLPH. Excuse me, it seems to me if I am going to answer questions here, I should know the purpose of this investigation.

Chairman WALTER. Just a minute. Go ahead, Mr. Tavenner.

Mr. TAVENNER. When were you born, Mr. Randolph?

Mr. RANDOLPH. Bronx, N. Y.

Mr. TAVENNER. When?

Mr. RANDOLPH. June 1, 1915.

Am I authorized to see the resolution authorizing the subcommittee to conduct today's investigation?

Chairman WALTER. No, but if you want to question the validity of these proceedings, the United States courts are open for that purpose, and I suggest that you do it in the proper fashion. Go ahead and ask your questions, Mr. Tavenner.

Mr. TAVENNER. Where do you now reside, Mr. Randolph?

Mr. RANDOLPH. Mr. Tavenner, according to my counsel, the courts—

Chairman WALTER. You answer the questions.

Mr. RANDOLPH. I have to give you the opinion of my counsel.

Chairman WALTER. I don't care about your attorney's opinion.

Mr. TAVENNER. Where do you now reside, Mr. Randolph?

Mr. RANDOLPH. 561 West 163d Street.

Mr. TAVENNER. New York City?

Mr. RANDOLPH. Yes, sir.

Mr. TAVENNER. How long have you lived in New York City?

Mr. RANDOLPH. That is giving my age away, but that—

Mr. TAVENNER. You have already done that.

Mr. RANDOLPH. Forty years, sir.

Mr. TAVENNER. What is your occupation?

Mr. RANDOLPH. I am an actor, sir.

Mr. TAVENNER. How long have you been engaged in the field of acting professionally?

Mr. RANDOLPH. I am glad you put in that word "professionally," because there was about 7 years that I didn't make a cent at the thing. I think professionally since 1940.

Mr. TAVENNER. Will you tell the committee please what your formal educational training has been?

Mr. RANDOLPH. Yes. Do you want me to go right through public school and high school and all of that stuff?

Mr. TAVENNER. Just tell us briefly what it was.

Mr. RANDOLPH. Well, I went to DeWitt Clinton High School, and then I spent 2½ years at CCNY, and a summer session at Columbia University.

Mr. TAVENNER. When did you take your summer session work at Columbia University?

Mr. RANDOLPH. I can't even remember that. It was somewhere in between that time, when I got a curiosity about philosophy.

Mr. TAVENNER. Have you, as many other actors have, adopted a professional name as distinguished from your real one?

Mr. RANDOLPH. Yes, sir, Mr. Tavenner.

Mr. TAVENNER. Is John Randolph your professional name?

Mr. RANDOLPH. Yes, sir, it is.

Mr. TAVENNER. What is your real name?

Mr. RANDOLPH. All right. The real name—and don't laugh at this—is Mortimer Lipman. My mother changed that name from "Manny" to "Mortimer" because she thought I would go higher in the world.

Mr. TAVENNER. Have you used the name "Mortimer Lipman" professionally?

Mr. RANDOLPH. Yes, sir. You see, I had better ask you a question, and this won't, I am sure, infringe on the jurisdiction of this committee.

Mr. TAVENNER. I think that you could answer the question. It is a very simple one.

Mr. RANDOLPH. I had better ask you another question.

When you said "professionally," did you mean for example, like the Federal Theater?

Mr. TAVENNER. Yes.

Mr. RANDOLPH. All right, then let us switch that answer back then to 1938, I think. It was 1937 or 1938 when I got in the Federal Theater and my family was on home relief, and I had been acting in some small theater groups, and I got on the Federal Theater project as an actor. So that now, let us go back to that other question.

Mr. TAVENNER. Suppose you just let me ask the questions.

Mr. RANDOLPH. O. K.

Mr. TAVENNER. What small group were you referring to a moment ago, when you said that you went from a small group to the Federal Theater project?

Mr. RANDOLPH. I don't think that I am going to identify any questions regarding any group that may in some way, through the wording of the committee, or the committee's inference, lead into a violation of my constitutional rights. So I would therefore invoke my privilege under the fifth amendment.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer the question because obviously he has waived his right to plead the fifth amendment when he testified voluntarily that he went from a small group to this other organization.

Chairman WALTER. Yes, I direct you to answer the question.

(The witness consulted with counsel.)

Mr. SCHERER. The witness mentioned the words "small group," on the record, and all we want to know is to what small group he is referring?

(The witness consulted with counsel.)

Mr. RANDOLPH. O. K. I am going to refuse to answer that question on the grounds that I can test the jurisdiction of this committee, and that the committee is not engaged in an inquiry for a valid legislative purpose, namely to recommend legislation, but in a nonlegislative purpose, specifically, to create an atmosphere, conformity and blacklist in theater, and I believe therefore the investigation is in violation of the first amendment of the Constitution. I don't think any law can be passed against the theater, and I also refuse to answer that question by invoking my privilege under the fifth amendment.

Chairman WALTER. We haven't any idea of enacting any law against the theater.

Mr. SCHERER. I think the record should indicate that the witness read his last answer.

Mr. RANDOLPH. There is something wrong with that, Mr. Scherer?

Mr. SCHERER. There is not a thing wrong with it.

Mr. RANDOLPH. Because I can take these notes and throw them away, but I would like to know. I would like to explain something, and I have been out playing summer stock, and I haven't had a chance to talk to a lawyer.

Mr. TAVENNER. How long were you employed in the Federal Theater?

Mr. SCHERER. Let us get the record straight. He invoked the fifth amendment the first time Mr. Tavenner asked the question, and the second time he did not invoke it.

Chairman WALTER. Yes, he did.

Mr. SCHERER. The fifth amendment? I am sorry. I thought he had not.

Mr. TAVENNER. How long were you employed in the Federal Theater project?

Mr. RANDOLPH. About 2 years.

Mr. TAVENNER. What unit or group of the Federal Theater project were you in?

Mr. RANDOLPH. The Children's Theater, Mr. Tavenner, in the beginning. Then after that I got a little restless and I asked to be transferred, and they sent me up to Portland, Maine, to be in a play

called Sure Fire, where we played all of the small towns and in Portland, and somewhere in there I also went to Salem, Mass., where I made the lead in the show called, strangely enough, Created Equal.

Mr. TAVENNER. Did you participate in any way in the play, Sing For Your Supper?

Mr. RANDOLPH. No, sir.

(The witness consulted with counsel.)

Mr. RANDOLPH. Just a moment. Can you take this answer off until I speak to my lawyer?

(The witness consulted with counsel.)

Mr. RANDOLPH. I would answer all of these questions, and I don't understand why, or what bearing this has on what this committee is going to do, and it sounds a little bit like——

Chairman WALTER. This is just a little preliminary question and if you will answer the question we will have no difficulty at all.

Mr. RANDOLPH. It makes me a little nervous.

Mr. TAVENNER. What is your answer?

Mr. RANDOLPH. You know, I forget what I am talking about. What was that question?

Mr. TAVENNER. My question was whether you took part in any way in a play entitled "Sing For Your Supper," put on by the Federal Theater project?

Mr. RANDOLPH. No, sir.

Mr. TAVENNER. During the 2-year period in which you were a part of the Federal Theater project did you hold any position of any kind?

Mr. RANDOLPH. I was just an actor.

Mr. TAVENNER. Were you aware of the organization of a group of Communist Party members within the Federal project at any time during the period that you were employed by that project?

Mr. RANDOLPH. Well now, you are asking questions of a political nature, and whenever we get on this field I must feel impelled, therefore, to then contest or refuse to answer any questions of that kind under my rights under the first amendment and my constitutional privilege under the fifth amendment.

Chairman WALTER. I direct you to answer the question.

(The witness consulted with counsel.)

Mr. RANDOLPH. I must say that I am declining to answer this based on all of the other reasons I gave you before in my very first response, because the chairman hasn't told me the purpose of the investigation.

Chairman WALTER. If you had been here at the outset, when you were supposed to have been, you would have heard me read a statement of the purpose of these hearings.

Mr. RANDOLPH. I am sorry, sir, I only had 1 hour's sleep.

Chairman WALTER. That is too bad, but I did read a statement as to the purpose of these hearings. They are entirely within the purview of the law.

Mr. RANDOLPH. Mr. Walter, can I see a copy of that statement?

Chairman WALTER. After a while, I will try to find one for you.

Mr. TAVENNER. Mr. Randolph, will you give the committee a general description of your employment after you left the Federal Theater project?

Mr. RANDOLPH. All right, I will make it fast, and go right down the line.

Mr. TAVENNER. Give the dates, as well as you can.

Mr. RANDOLPH. In 1940 I appeared in my very first Broadway show, called Medicine Show. Do you want anything about the parts I played?

Chairman WALTER. No.

Mr. TAVENNER. That is enough.

Mr. RANDOLPH. I don't know if anybody ever saw the show.

In 1941, Hold On To Your Hats. In 1942 Native Son, on the road.

Then that was interrupted by the United States Army Air Force.

Mr. TAVENNER. How long were you in the armed services?

Mr. RANDOLPH. Four years, sir, and I actually tried to volunteer the day of Pearl Harbor, but they rejected me and told me to go back to New York where I came from. Then I tried to volunteer in Pittsburgh, and I tried to volunteer in Philadelphia, and they always said to me, "Just go back, and wait until you get to New York." So I did, and I was rejected for medical reasons which I would rather not go into details about, and that was taken care of, and I entered the Army in April of 1942 and I was put in the Air Force. Do you want to know anything more about it?

Chairman WALTER. No.

Mr. TAVENNER. That accounts for 4 years. What was your employment after 1946?

Mr. RANDOLPH. Then in 1947, I was in the Chicago company of Front Page, which was a pretty bad flop. In 1947 after that, I joined, or went into Command Decision, a Broadway company, and that lasted a year, and I went on the road with that.

Then in 1948 I appeared in the Chicago company of The Respectful Prostitute, and that also flopped.

In 1949, I went into Peer Gynt, and that lasted 2 weeks.

In 1950 I went in Come Back Little Sheba, the Broadway company, and in 1950, after Sheba closed, I got a job in Golden State, which was a flop.

Then in 1951, I auditioned in Paint Your Wagon, and I got into Paint Your Wagon and that lasted 9 months.

Then I had a rather bad season and I went into Sea Gulls Over Sorrento, an English hit that lasted only 2 weeks in New York.

In 1952 I was in Gray Eyed People, which lasted 5 days.

In 1953 Room Service, a revival of Room Service, which also only lasted 2 weeks.

I am leaving out summer stock, and just giving you the main shows in New York.

Madam, Will You Walk, down at the Phoenix Theater, 6 weeks.

All Summer Long—wait a minute.

After Madam Will You Walk, put down Coriolanus.

Chairman WALTER. How many weeks?

Mr. RANDOLPH. That lasted 6 weeks.

Then I went into All Summer Long. We are right up to 1955 now. All Summer Long, 8 weeks. Glad Tidings in Washington, 2 weeks. Time Of Your Life, revival, 2 weeks at 85 bucks a week.

Chairman WALTER. It kept you busy flitting around, did it not?

Mr. RANDOLPH. I was busy. I was playing different characters and I didn't know whether I was coming or going.

Then I replaced an actor in House of Flowers, the musical, and when that folded, I auditioned for Guys and Dolls, New York City Center, in the part of Nathan Detroit.

And now, and I mean nothing personal about this, I am playing at the Brattle Theater in Cambridge, in *Much Ado About Nothing*. That will explain these sideburns.

Mr. TAVENNER. During the summer periods, did you also engage in stock shows?

Mr. RANDOLPH. Yes, sir, and I can name a few of them, and my lawyer is telling me—all right. I was in a show by George Bernard Shaw. As a matter of fact, just before this I was in *Born Yesterday*, and I played a drunken Washington lawyer, who used to have a social conscience, and Deveree is the character's name. That was, *Born Yesterday* at the Philadelphia Playhouse in the Park.

The year before that, in summertime, I was in, *Too True To Be Good*, by George Bernard Shaw, and generally in between that I used to spend a couple of weeks at Fishkill, N. Y., at the Cecil Wood Theater.

I had one pretty rugged summer when I came out of the Army. I was trying to rehabilitate myself, and I went into Savel Playhouse Stock Co., and by the time I find I really needed to be rehabilitated and I had 10 weeks of hard work there.

Mr. TAVENNER. Will you tell the committee whether you are at the present time a member of the American Federation of Television and Radio Artists?

(Witness consulted with counsel.)

Mr. RANDOLPH. Mr. Tavenner. I am going to answer that question, and I just want to tell you that I kind of object to your asking me about what unions I belong to because I think that you inject the name of the union into the hearing and it bothers me, because it seems to me that that is something that I have a right——

Mr. TAVENNER. It shouldn't bother you at all. If you will be frank and explain all of the questions, it shouldn't bother you or your union at all.

Mr. RANDOLPH. I don't like the idea of bringing unions up, and that is my right as an American to belong to a union.

Chairman WALTER. It is your right, and we have been doing everything we can to strengthen the hands of the unions in America, and not the other kind of operations which masquerade as unions.

Mr. RANDOLPH. I don't quite understand what you mean by that, Mr. Walter, but you have a right to your opinion, and I know you mean something by it but I don't understand.

Mr. TAVENNER. Will you answer the question, please?

Mr. RANDOLPH. The American Federation of Radio and Television Artists, a charter member.

Mr. TAVENNER. When was the organization formed?

Mr. RANDOLPH. Gee, I don't remember the exact date.

Mr. TAVENNER. Approximately how long have you been a member?

Mr. RANDOLPH. When did I do the first radio show? It was somewhere around when it was formed. There was a television union and it was first a radio union, and I was a charter member of the radio union.

Mr. TAVENNER. You were in the radio union?

Mr. RANDOLPH. American Federation of Radio Artists, from about 1940 or something, or so, sir. Then when the amalgamation between AFRA and the television field took place and became AFTRA, I am

sure you have those dates better than I have, and I can't remember offhand, but it was 3 years ago, or somewhere around that time, and we automatically became members.

Mr. TAVENNER. And you have been a member continuously since that time?

Mr. RANDOLPH. Yes, sir.

Mr. TAVENNER. Will you tell the committee whether or not you are aware of the existence within that union of any organized group of the Communist Party which meets as a caucus?

Mr. RANDOLPH. Well, here we go. I think that that question again really invades my rights under the first amendment of association. Although I don't want to give any credit to the question, I feel that I will then have to refuse to answer that question because of my rights under the first amendment and my constitutional privileges under the fifth amendment.

Mr. TAVENNER. Were you a member of the Communist Party during any period of time that you were a member of the American Federation of Television and Radio Artists?

Mr. RANDOLPH. I am afraid, sir, I will have to answer that question again with the same answer that I refuse to answer that question because of my rights under the first amendment, the rights of association, and all of the rest of it, and my constitutional privilege under the fifth amendment.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. RANDOLPH. I am not getting facetious, but there is a story by Henry Steel Comet—

Chairman WALTER. Answer the question; we don't care about your stories.

Mr. RANDOLPH. I don't want to bore you men.

Chairman WALTER. I am afraid that you are going to, so just answer this question, and then we will eliminate that.

Mr. RANDOLPH. If you were to ask me a question if I am a member of the Republican or Democratic Parties, I would be bound to answer that I have to under my constitutional privileges, under the fifth amendment, answer that by invoking that right.

Chairman WALTER. You say that you would answer if I asked you whether you were a Democrat or Republican?

Mr. RANDOLPH. I would not answer any question of a political nature if you asked me whether I was a Democrat, Republican, Communist, or Socialist, although you might be pretty well surprised at my answer, if I wanted to answer it. But I don't believe it is your right as a committee to ask me that, and I have to invoke my constitutional privilege.

Chairman WALTER. You don't have to at all, and you are not under any compulsion.

Mr. RANDOLPH. I desire to do so.

Chairman WALTER. Well, that is different.

Mr. TAVENNER. Mr. Randolph, I did not ask you a question as to what your political belief was, or whether you were a member of a political party.

Mr. RANDOLPH. I understand, sir.

Mr. TAVENNER. I was asking you about Communist activities and your membership, alleged membership, in the Communist Party.

Mr. RANDOLPH. I know.

Mr. TAVENNER. That is an entirely different thing from a political party.

Mr. RANDOLPH. That is a point of view, you see.

Mr. TAVENNER. You don't think so?

Mr. RANDOLPH. Well, I am not going to, as I said, indulge in political opinions with the committee, because I did research like you do for an acting role, and I did research, and found out that the committee has certain political opinions, and anybody who opposes the committee somehow falls into disrepute. So rather than get involved in any kind of political discussion, which I don't mind doing backstage or any place else, I have a feeling, I just don't feel that the questions of political associations of any kind are the province of this particular committee.

Chairman WALTER. Just a minute. I want to get you straightened out on that. You say "the province of the committee." Actually we are an arm of the Congress of the United States.

Mr. RANDOLPH. I understand.

Chairman WALTER. This committee has no desire to do this work, and this work has been wished on us.

Mr. RANDOLPH. I have no desire to be here.

Chairman WALTER. There you are, we are both doing something unpleasant.

Mr. RANDOLPH. Then let us leave.

Chairman WALTER. In order to make it more pleasant, why don't you help us?

Mr. RANDOLPH. I am really honestly trying to help. Wherever I feel deeply about something, Mr. Walter, I must tell you in all honesty that I have strong feelings about what is going on today.

Chairman WALTER. We both have strong feelings.

Mr. RANDOLPH. I know you do, and—

Chairman WALTER. Tell me this in order to develop that particular question, have you ever been a member of the Communist Party?

Mr. RANDOLPH. Well, you know I am going to have to give you the same answer?

Chairman WALTER. You don't have to.

Mr. RANDOLPH. Well, I would love to give you, and I want to give you, that answer.

Chairman WALTER. Why don't you then?

Mr. RANDOLPH. But I don't think you should really ask me any questions or any citizen of the United States, that kind of a question. I think that is the thing, that is the way I was brought up, and that is the way I believe. I think every person in this room, including you, basically, really were taught that you have a right in this country to believe anything you want and any political party and any idea or association.

Chairman WALTER. No, I haven't. Is there anything further?

Mr. TAVENNER. You said that you had done research work in preparation for your testimony here. Have you done any research work regarding the Communist Party?

Mr. RANDOLPH. You see, you are asking a political question again. I am not a belligerent person, and if I sound a little loud, in my family we used to argue a lot all of the time.

Chairman WALTER. We are not concerned about that, we are concerned about your arguments in this Communist cell of which we think you were a member. We are more interested in that.

Mr. RANDOLPH. Now, Mr. Walter, just a minute——

Chairman WALTER. Will you answer the question?

Mr. RANDOLPH. I am kept from being personal. Don't make inferences.

Chairman WALTER. I am not making any inferences.

Mr. SCHERER. Was his inference wrong that you were a member of the Communist Party?

Mr. RANDOLPH. No——

Mr. SCHERER. You said "Don't make inferences," and I want to know whether his inference that you were a member of the Communist cell was wrong.

(Witness consulted with counsel.)

Mr. SCHERER. You have an opportunity to answer right now whether a member of this committee had a wrong inference.

Mr. RANDOLPH. Mr. Scherer, I feel all of these questions are the same question, and so in any event, when we get in this field, I would like to invoke my constitutional privilege under the fifth amendment, sir.

Chairman WALTER. All right, proceed, Mr. Tavenner.

Mr. TAVENNER. Have you been active in the work of the Committee for the Negro in the Arts, an organization established some years ago?

Mr. RANDOLPH. Mr. Tavenner, again what I feel is happening here is that this committee by bringing up names of organizations, and everything else like that, serves a purpose of censoring or frightening people regarding organizations.

Mr. TAVENNER. That organization has been cited by the Attorney General of the United States, and I don't want to mislead you on it, but I want to know if you served as a member of a committee of that organization? If so, I want to ask other questions relating to it.

Mr. SCHERER. You didn't finish your statement, that organization has been cited by the Attorney General as what?

Mr. TAVENNER. As a Communist subversive organization.

Mr. RANDOLPH. You are asking again a political question, of a kind that I just——

Chairman WALTER. He is not asking you about your beliefs at all. He is merely asking you whether or not you did work for this organization.

Mr. RANDOLPH. Representative Walter, he is asking a question of association, which certainly comes under the first amendment of the Constitution. I will therefore refuse to answer that question because of my rights under the first and my constitutional privileges under the fifth amendment. I told you we would get boring after awhile.

Chairman WALTER. I know what you are going to say.

Mr. RANDOLPH. You didn't know everything.

Mr. TAVENNER. To what extent has your acting been on television?

Mr. RANDOLPH. It was quite good, and I did a lot of television work up until 1952 when I was blacklisted by Mr. Johnson of Syracuse, as I understand, then later by Counter-Attack, and then later by Aware, Incorporated, and I never knew what the accusations were, or what reasons, but they were anonymous phone calls, and you know the kind

of stuff. There were little hate letters and so on and so forth, and not many, but enough to make me quite disturbed about it, and find out that I was being blacklisted on television and I never could find out who did the accusations or any of that sort, and I never had a chance to answer any of that. That happened about 1952.

Ever since that time I have devoted my entire time to fight black-listing, and Aware, Inc., and all of those little outfits that unfortunately bring so much fear and terror into our industry. Am I speaking too loud?

Mr. TAVENNER. Oh, no, not at all. I am accustomed to all types of speaking.

Mr. RANDOLPH. I never get personal, and I really never do. So if it sounds at any moment that I am getting belligerent or something like that, you tell me, and I have respect for you as a congressional committee. I have got certain positive ideas, unfortunately.

Mr. TAVENNER. Have you taken part in any caucus of the Communist Party within the organization of the American Federation of Television and Radio Artists?

(Witness consulted with counsel.)

Mr. RANDOLPH. You know, you see, I don't quite understand, I have to answer the same question.

Mr. TAVENNER. I am going to ask specific questions and you will have to answer them specifically.

Mr. RANDOLPH. All right.

Mr. TAVENNER. I want to know definitely whether you were a member at any time of a Communist Party caucus within that organization.

(Witness consulted with counsel.)

Mr. RANDOLPH. Well, I am going to give you exactly the way I feel about it. I am going to contest again the jurisdiction——

Mr. TAVENNER. You mean you refuse to answer?

Mr. RANDOLPH. On the grounds that this committee is not involved in a legislative purpose, and that it is seeking to create an atmosphere of fear and conformity and blacklist in the theater, and that this investigation is a violation of my rights under the first amendment, and I will invoke my constitutional rights under the fifth amendment.

Mr. SCHERER. Do you deny that there was such a caucus within the union?

Mr. RANDOLPH. The same answer, Representative Scherer.

Mr. TAVENNER. I have no further questions.

Chairman WALTER. Are there any questions?

Mr. SCHERER. Were you a member of the Communist Party during the time that you served in the United States Air Force?

Mr. RANDOLPH. I decline to answer that on the same reasons, Representative Scherer. Do I have to repeat them?

Mr. SCHERER. No. When did you first seek to volunteer?

Mr. RANDOLPH. December 7, 1941.

Mr. SCHERER. We were a cobelligerent with Russia at that time, were we not?

Mr. RANDOLPH. I don't answer any questions of a political nature, as I told you before, and I don't want to get involved in any political controversy with the committee, and I would make my feelings known later on.

Can I read a statement? May I read the statement that I prepared?

Chairman WALTER. You may leave the statement with us, and if we decide it is material, it will be made a part of the record.

Is there anything further?

Mr. TAVENNER. No, sir.

Chairman WALTER. The witness is excused, and call the next witness.

Mr. TAVENNER. Mr. Stanley Prager.

Chairman WALTER. Will you raise your right hand, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PRAGER. I do.

TESTIMONY OF STANLEY PRAGER, ACCOMPANIED BY HIS COUNSEL, MARTIN POPPER

Mr. TAVENNER. Will you state your name?

Mr. PRAGER. Stanley Prager.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. POPPER. Martin Popper.

Mr. TAVENNER. When and where were you born, Mr. Prager?

Mr. PRAGER. New York City, and Mr. Congressman, I have a very short statement.

Chairman WALTER. Just leave it with us, and I will be very happy to examine it, and if it is relevant, we will make it a part of the record.

Mr. PRAGER. If you could read it, it would facilitate the whole thing.

Chairman WALTER. I know all about that. We have our own procedures. Go ahead, Mr. Tavenner.

Mr. PRAGER. May I leave it with you now, and may I ask it be put in the record?

Chairman WALTER. Yes.

Mr. TAVENNER. What is the date of your birth, please, sir?

Mr. PRAGER. January 8, 1917.

Mr. TAVENNER. Where do you now reside?

Mr. PRAGER. New York City.

Mr. TAVENNER. How long have you been a resident of New York City?

Mr. PRAGER. On and off, all of my life.

Mr. TAVENNER. What is your profession?

Mr. PRAGER. I am an actor.

Mr. TAVENNER. How long have you been engaged professionally as an actor?

Mr. PRAGER. I would say since about 1942, or 1943, somewhere around in there.

Mr. TAVENNER. Will you tell the committee please, what your formal educational training has been?

Mr. PRAGER. I was educated in the public school system in New York City and I went to John Hopkins University, in Baltimore, Md., for 3 years.

Mr. TAVENNER. What was the date of the completion of your studies in Baltimore?

Mr. PRAGER. I believe it was 1937.

Mr. TAVENNER. I believe you stated that you began your acting career in 1942.

Mr. PRAGER. Around in there; yes, sir.

Mr. TAVENNER. What was your employment prior to that time?

Mr. PRAGER. I was a college student.

Mr. TAVENNER. I understood you to say that you finished your studies in Baltimore in 1937.

Mr. PRAGER. Yes, sir.

Mr. TAVENNER. What schools did you attend after that?

Mr. PRAGER. What schools?

Mr. TAVENNER. Yes. You said you were a student in 1940, when I understood you had completed your work at Hopkins in 1937.

Mr. PRAGER. I beg your pardon. I don't think I said I was a student in 1940.

Mr. TAVENNER. I so understood you.

Mr. PRAGER. Well, sir, it is not so. I left Johns Hopkins University in 1937.

Mr. TAVENNER. Then how were you employed in 1940?; that was my question.

Mr. PRAGER. In 1940, now I am not exactly sure about this date but my first job in the theater was in a play called, *The Skin of Our Teeth*.

Mr. TAVENNER. But you said you began acting in 1942. How were you employed prior to 1942?

Mr. PRAGER. May I consult with my attorney for a moment?

(Witness consulted with counsel.)

Mr. PRAGER. I actually can't really remember how I was employed. Now I do remember, I had odd jobs like I was a counselor, a dramatic counselor at a camp for children, called Camp Graylock, near Pittsfield, Mass.

Mr. TAVENNER. What is the name again?

Mr. PRAGER. Camp Graylock, located near Pittsfield, Mass. I was also dramatic counselor in the summertime, at a camp called Camp Potomac, which is also near Pittsfield, Mass., and I got odd jobs—

Mr. WILLIS. Will you develop, Mr. Counsel, the period of his association with those two children's camps?

Mr. TAVENNER. Will you give us the dates of your employment at those summer camps?

Mr. PRAGER. I will give them to you to the best of my recollection. I believe that they were right towards the end of my college career, and perhaps the summer following.

Mr. TAVENNER. That would make it in 1937, and 1938.

Mr. PRAGER. Yes, sir.

Mr. TAVENNER. Which camp did you work at in 1937, and which one in 1938?

Mr. PRAGER. I believe the last one I worked at was Camp Potomac, which would be in Pittsfield, Mass. May I make a correction? It now occurs to me that I was a camper at Camp Graylock, and a dramatic counselor at Camp Potomac. There is a difference. At one you pay, and the other you get paid.

Mr. TAVENNER. So it was the camp you attended in 1938 where you were paid?

Mr. PRAGER. Yes; I believe in 1938. To the best of my recollection that is an accurate date. I also believe I did that for two summers at Camp Potomac.

Mr. TAVENNER. Those were two summers; 1937 and 1938, or 1938 and 1939?

Mr. PRAGER. I don't know exactly. You see, since I was not working on Broadway at that time, I would pick up odd jobs like being a dramatic counselor, or—may I consult with my attorney for a moment?

(Witness consulted with counsel.)

Mr. PRAGER. Well, that is about the extent of it, Mr. Tavenner. I had all of these odd jobs.

Mr. TAVENNER. Will you come back please and answer the question that I originally asked you, as to what your employment was prior to 1942, when you entered into the theater as an actor?

Mr. PRAGER. I believe I have just answered it.

Mr. TAVENNER. You have answered it as to 1938 and 1937; that is a long way prior to 1942.

Mr. PRAGER. Let me explain myself to you. I had many odd jobs, as you see, and I cannot be held responsible for every particular job that I had. Now, if you have some information about a job that I had, maybe I could refresh my memory with you.

Mr. TAVENNER. You have told us what your employment was in 1942, and what it was in 1937. What was it between those two periods?

Mr. PRAGER. I really can't recollect to the best of my recollection.

Mr. TAVENNER. Where were you living?

Mr. PRAGER. I was living in New York City.

Mr. TAVENNER. For a period of 4 years, you are unable to tell us what you were doing, and how you were employed?

Mr. PRAGER. No, I have told you that I have had odd jobs, and I worked here and there. I am not trying to be evasive, you understand.

Mr. TAVENNER. I am trying to help you remember. Can't you recall how you were employed at any time?

Mr. PRAGER. I was living at home, and I was fortunate enough at that time to be supported by my family, and so I would work in the summertime, as I described to you; and in the wintertime, because I wanted to be an actor, I would look for a job in the theater, and that can sometimes turn into a full winter's work.

Mr. TAVENNER. Very well, did you engage in any theatrical work prior to 1942 that you can recall—during that 4-year period when you are unable to recall how you were employed?

(Witness consulted with counsel.)

Mr. PRAGER. No, not in a theater, no.

Mr. TAVENNER. Well, how were you employed? Was it radio?

Mr. PRAGER. Mr. Tavenner, I have told you I had all of these odd jobs, and I can't recollect specifically what they were, and I might have had a radio job.

Mr. TAVENNER. I hand you a photostatic copy of the Daily Worker of April 25, 1940, and I call your attention to an article appearing there under the heading, "New Theater Players to Tour 20 Cities; IWO Lodges Will Sponsor Awake and Swing." After examining that article state whether or not it refreshes your recollection as to your employment at that time by this show sponsored by the IWO.

(A document was handed to the witness.)

(The witness consulted with counsel.)

Mr. PRAGER. Mr. Tavenner, I am going to answer this question in this way: I believe that what I think and say, and with whom I associate, is not this particular or any particular congressional committee's

concern. Consequently, I am not going to answer that question, because of my constitutional rights guaranteed to me by the first amendment.

Now, I would like to enlarge upon that a little bit. You see, I have another position about why I am here. I have been very vocal against the blacklist in my union, and I ran——

Mr. TAVENNER. That is not responsive to the question, Mr. Chairman.

Mr. PRAGER. I believe it is.

Mr. SCHERER. I ask you to direct the witness to answer the question.

Chairman WALTER. I direct you to answer the question.

Mr. PRAGER. May I explain a bit more?

Chairman WALTER. Will you answer the question?

Mr. PRAGER. I cannot answer the question because I believe that you are prying into my right of association by this question, and I will not sit here and attack the Constitution of the United States. Consequently, I am not going to answer the question because you are violating my freedom of association, and you are prying into certain affairs of mine which you have no right to pry into. I refuse to answer the question on that basis and on another basis, which I would like to talk about for a moment.

Chairman WALTER. Is that the fifth amendment?

Mr. PRAGER. Let me explain it to you this way——

Chairman WALTER. We don't want any explanation, just say why you are not answering.

Mr. PRAGER. I think it is terribly important to me to explain it in my own way. That is that I am going to invoke my privilege under the fifth amendment, and I would like to point out that in invoking my privilege, this has absolutely, or there is no inference of guilt connected with this on any level.

Chairman WALTER. I am entitled, or we are all entitled, to draw whatever inference we may from the fact that you invoke the fifth amendment.

Mr. PRAGER. I think that you are, and I think that I am entitled to point out what my inference is.

Chairman WALTER. You have invoked your privilege under the fifth amendment.

Proceed, Mr. Tavenner.

Mr. PRAGER. Also, I would like to say that I cannot see any legislative purpose that could possibly be in anybody's mind on holding this kind of a hearing. Also I would like to point out, since it is no secret that I am working in the theater, that I consider this particular congressional hearing an attack on the theater.

Chairman WALTER. I am sure that most of the good actors in the United States, and actresses, resent the fact that you presume to speak for all of them.

Mr. PRAGER. I would not like to discuss my talent with you, or anybody else's talent.

Mr. TAVENNER. Then as a matter of fact, your reluctance or failure to state what your employment was between 1938 and 1942, wasn't because you didn't remember, but it was because you didn't want to answer?

Mr. PRAGER. That isn't so, that is not so.

Mr. TAVENNER. I desire to offer the photostatic copy of the document in evidence and ask that it be marked "Prager Exhibit No. 1," for identification only.

Chairman WALTER. Mark it and let it be received.

Mr. PRAGER. May I say something?

Chairman WALTER. There is no question, is there, Mr. Tavenner?

Mr. PRAGER. I thought that perhaps I could use the time.

May I speak to my attorney please, before you ask the next question?

Mr. TAVENNER. Yes.

(Witness consulted counsel.)

Mr. TAVENNER. It is noted from the account of this play, which toured 20 cities, where IWO lodges would act as sponsors, that the pamphlet, *The Yanks Are Not Coming*, was to be dramatized.

Will you tell the committee what was the purpose of the dramatization at that particular time, April 25, 1940, of the pamphlet entitled "*The Yanks Are Not Coming*"?

Mr. PRAGER. Mr. Tavenner, you are asking me now to discuss the content of theatrical material, and I think it is quite significant that you are asking me this. And I am not going to discuss the content of theatrical material with you in this particular room, in this particular session, and I think that it is quite pertinent that you ask me a question like that. Because if I involve myself with you on a discussion of this level, it is conceivable to me that you will ask me about the content of all theatrical material, and I say to you—

Chairman WALTER. Let us wait until that occurs. He is asking you about something specific at this moment.

Mr. PRAGER. He asked me a question, and I am trying to answer it.

Mr. TAVENNER. The dramatization of *The Yanks Are Not Coming* took place during the period of the Hitler-Stalin pact, did it not?

Mr. PRAGER. We are discussing the same thing.

Mr. TAVENNER. And it represented at that time the line of the Communist Party, the party line through this country?

Mr. PRAGER. What is your question?

Mr. TAVENNER. Is that right?

Mr. SCHERER. That is the reason I asked the preceding witness whether or not he volunteered for the Army at a time we were cobelligerents with Russia, and after the Stalin-Hitler pact.

Mr. PRAGER. How many questions are there now?

Mr. SCHERER. That was an observation.

(Whereupon the reporter read the pending question as above recorded.)

Mr. PRAGER. Now you are asking me a question—

Mr. TAVENNER. It is the same question.

Mr. PRAGER. Which involves content, and since the theater involves content, and since the hub of all theater is content, and you are tying up this question with a question of a political line, I cannot involve myself.

Mr. SCHERER. Of a conspiracy line and not a political line.

Mr. PRAGER. I cannot involve myself with you in a discussion about the theater or about the theater's ideas, because this is an attack on the theater and something I won't be a party to.

Chairman WALTER. Go ahead and ask your next question.

Mr. SCHERER. He hasn't answered the question.

Chairman WALTER. I direct you to answer the question.

Mr. PRAGER. I cannot answer it because in answering it, I would be doing the Constitution a disservice, and I think that the question is designed to entrap me, and consequently I will invoke my constitutional privilege of the fifth amendment.

Mr. TAVENNER. It was a line of the Communist Party which was in opposition to the foreign policy of this country at that time, was it not?

Mr. PRAGER. We are going through the same thing again, and so in the interest of time, I would like to once more make this quite clear.

Chairman WALTER. Don't bother about the time, we have plenty of time.

Mr. SCHERER. He hasn't answered the question.

Mr. PRAGER. What is the question?

Mr. TAVENNER. Read him the question.

(Whereupon the reporter read the pending question as above recorded.)

Mr. PRAGER. Well, I am going to give you the same answer, because it is actually the same question. I am not going to answer it because I am going to stand on my privilege guaranteed me under the fifth amendment, and also I am going to object to you asking it of me because of my position on the first amendment.

Mr. TAVENNER. Were you a member of the Communist Party in April of 1940, at the time this show was advertised as going on the road to tour 20 cities, where IWO lodges would be the sponsors?

Mr. PRAGER. You are asking me a very fundamental question, and in my position, I repeat, is a very simple one. I do not believe that what I think and say and what I read and with whom I associated and where I worship is a legitimate concern——

Mr. SCHERER. Nobody asked you where you worshiped.

Mr. PRAGER (continuing). Of this or any other congressional committee. I know I am a good American, and I have never done anything I am ashamed of, and I have never been a member of any organization I believe to be a threat or advocated the overthrow of this Government by force and violence.

Chairman WALTER. Have you ever been a member of the Communist Party?

Mr. PRAGER. I am answering this gentleman.

Chairman WALTER. You have just answered that you have never been a member of any organization——

Mr. PRAGER. I am not going to answer that question because you are invading my right of association, and you are trying to entrap me.

Chairman WALTER. I am not trying to entrap you at all.

Mr. PRAGER. I am going to invoke my constitutional privilege, which is by the way, an issue of law.

Chairman WALTER. I direct you to answer.

Mr. SCHERER. In view of his statement it is my opinion that he has waived the right to invoke the fifth amendment, and I ask you to direct the witness to answer the question, whether he is a member of the Communist Party or not.

Mr. PRAGER. In your opinion I may have——

Mr. SCHERER. Are you a member of the Communist Party?

Mr. PRAGER. I just answered this gentleman and now I will answer you, that I will not involve myself in it because I believe it is an in-

vasion of my privacy and my association, and I also am invoking my privilege guaranteed me under the fifth amendment.

Mr. TAVENNER. How long did you remain an actor in New York City after you began in 1942?

Mr. PRAGER. I appeared in 2 plays, and then I was assigned to do a motion picture made of the last play I was in. It was *The Eve of St. Mark*, by Maxwell Anderson, a play about the war.

Mr. TAVENNER. Is that the one that you were assigned to do a motion picture of?

Mr. PRAGER. Yes.

Mr. TAVENNER. Where did you do that motion picture work?

Mr. PRAGER. Hollywood.

Mr. TAVENNER. When did you go to Hollywood?

Mr. PRAGER. I believe that would be about 1943.

Mr. TAVENNER. How long did you remain in Hollywood?

Mr. PRAGER. I remained in Hollywood on and off for approximately 6 or 7 years.

Mr. TAVENNER. Where did you reside in Hollywood?

Mr. PRAGER. I lived at a number of places, and I believe that when I first went out there I lived in Beverly Hills, and I had an apartment on a street called Orchard Drive, and I lived——

Mr. TAVENNER. What was the number of the address on Orchard Drive or Orchard Avenue?

Mr. PRAGER. I really couldn't tell you; I don't remember.

Mr. TAVENNER. Was it 1782?

Mr. PRAGER. It could have possibly been.

Mr. TAVENNER. While living at 1782 Orchard Avenue, in 1944, were you issued Communist Party card No. 46929 for that year?

Mr. PRAGER. Is that a question?

Mr. TAVENNER. Yes.

Mr. PRAGER. I am not going to answer that question, Mr. Chairman, for the same reasons that I said before.

Mr. TAVENNER. Were you acquainted with Sterling Hayden?

(Witness consulted with counsel.)

Mr. PRAGER. I am not going to answer that question, Mr. Chairman, for the same reasons as previously stated.

Mr. TAVENNER. Mr. Sterling Hayden testified before this committee that he was a member of a group of the Communist Party in Hollywood which was interested in a controversy that had arisen between the studios and a union. It was between two unions, I believe. He was assigned by the Communist Party group to work with another group, and he told the committee he was certain that the other persons in that group were members of the Communist Party, the same as he. According to his testimony, among those were Howard DaSilva, Stanley Prager, and George Tyne.

Can you enlighten the committee upon the real purposes of that second group, of which Mr. Hayden said that he himself was a member?

Mr. PRAGER. Well, you see, now you are again dealing in an area which I don't believe, or you are questioning me in an area which I don't believe you have a right to question me in, but I would like to go on a little bit and discuss Sterling Hayden. I would like to discuss him in this way——

Chairman WALTER. We don't care about your viewpoint about Sterling Hayden. You have been asked a question as to certain things that this group is doing, and now will you answer the question or won't you?

(Witness consulted with counsel.)

Mr. PRAGER. Mr. Chairman, I am not going to discuss this on the grounds previously stated.

Mr. TAVENNER. The period about which Mr. Hayden was testifying was 1943.

Are you acquainted with George Tyne?

(Witness consulted with counsel.)

Mr. PRAGER. Yes, I am. He is an actor, and a good actor.

Mr. TAVENNER. Were you ever a member of a Communist Party group with him?

Mr. PRAGER. I am certainly not going to answer that question, Mr. Chairman, and on the grounds previously stated.

Mr. TAVENNER. Are you acquainted with Howard DaSilva?

Mr. PRAGER. Yes, sir, I am. He is another good actor, a blacklisted actor.

Mr. TAVENNER. Were you a member of the Communist Party with Howard DaSilva?

Mr. PRAGER. I will not discuss that with you on the grounds previously stated.

Mr. TAVENNER. Another witness testified before this committee by the name of Mrs. Pauline Swanson Townsend. Were you acquainted with Mrs. Townsend, the wife of Leo Townsend?

Mr. PRAGER. May I consult with my attorney?

(Witness consulted with counsel.)

Mr. PRAGER. What is that name again?

Mr. TAVENNER. The wife of Leo Townsend, Mrs. Pauline Swanson Townsend.

Mr. PRAGER. I am not going to discuss Mrs. Pauline Townsend with you on the grounds previously stated, but I am going to tell you what my opinion is of Mrs. Pauline Townsend.

Chairman WALTER. We are not concerned with your opinion of this lady.

Mr. PRAGER. This kind of informant and stool pigeon—

Chairman WALTER. What do you mean by an informant?

Mr. PRAGER. I saw a movie once called, *The Informer*, which affected me a great deal, and a wonderful movie, made by John Ford, a Hollywood movie.

Chairman WALTER. By an informer, you are inferring that this lady has told about activities that you and she engaged in; is that what you mean?

Mr. PRAGER. Congressman, I am not inferring anything, and I am stating what I feel here.

Mr. TAVENNER. Mrs. Townsend in her testimony before this committee identified you as a member of the Communist Party, along with a person by the name of Bart Lytton. She was the literature director of the group of the Communist Party, of which she said you and Mr. Lytton were members.

Were you a member of any group of the Communist Party in 1945, of which Bart Lytton was a member?

Mr. PRAGER. The same question in another form, and I refuse to answer it on the same grounds.

Mr. TAVENNER. Were you acquainted with Bart Lytton?

Mr. PRAGER. I am not going to answer that question on the grounds previously stated.

Mr. TAVENNER. Mr. Bart Lytton also testified before this committee, and each of these witnesses who testified, testified as to the circumstances under which he became a member of the Communist Party. They advised the committee of the character of Communist Party activities engaged in by the groups as far as they knew, and they told the committee the circumstances under which they left the Communist Party and the time they left.

Mr. Bart Lytton also identified you as a member of this group of the Communist Party.

So again I want to ask you if he was in error in his identification of you?

Mr. PRAGER. I believe that because I have been vocal against the blacklist of my union, and because I signed a letter against an organization called Aware, Inc.—

Chairman WALTER. I direct you to answer the question that was asked you.

Mr. PRAGER. I will not answer that question, Congressman, on the grounds previously stated.

Mr. TAVENNER. As a matter of fact you were served with a subpoena as early as 1953 for your appearance before this committee, were you not?

Mr. PRAGER. Yes, I was.

Mr. TAVENNER. And you were excused at the time?

Mr. PRAGER. Well, I sat here, yes, I was excused.

Mr. TAVENNER. You were excused because that was in May of 1953, when the committee heard numerous witnesses and closed before hearing all of the witnesses.

Mr. PRAGER. I imagine that is correct.

Mr. TAVENNER. So the committee's interest in you isn't any matter of recent date.

Mr. PRAGER. My interest in the committee isn't of recent date.

Mr. TAVENNER. No, it shouldn't be.

Chairman WALTER. And that is understandable, of course.

Mr. PRAGER. I must say since I was served in 1953, and since I have been working in New York, I think this must be a fairly good indication of what kind of threat to the national security I must be.

Mr. TAVENNER. Possibly you could give this committee information about the workings of the Communist Party, and from that information we might be able to determine to what extent your particular information may be of value. Will you give it to us?

Mr. PRAGER. I will not involve myself in what I could possibly give you, because that is a word that has a wide variance, but I only can repeat to you that I feel quite strongly about the fact that I am here, and it is an interruption in my life. All I ask is that I be let alone so that I can pursue my right to work in the theater, and in television, and in radio, and that I will not join with you, Mr. Tavenner, or with anybody, or this committee, or any other congressional committee, and I respectfully submit this to you gentlemen, I will not join with you in an attack on the Constitution.

Mr. TAVENNER. Will you join with the Communist Party?

Mr. PRAGER. You are asking me the same kind of question in a different kind of way, and again I must stand on my constitutional privileges.

Chairman WALTER. You have declined to answer because of your constitutional privilege.

Ask the next question, Mr. Tavenner.

Mr. TAVENNER. You stated you were active in your union, that is the way I understood you to express yourself.

Mr. PRAGER. Yes.

Mr. TAVENNER. What union is that?

Mr. PRAGER. I belong to the American Federation of Radio and Television Artists, and I belong to the Actor's Equity Association.

Mr. TAVENNER. Will you tell the committee please whether there is an organized group of the Communist Party within either of those organizations?

Mr. PRAGER. This is the same question, designed to entrap me, and I will not answer it on the grounds previously stated.

Mr. TAVENNER. Are you aware of the holding of caucus meetings within either of those organizations or both of them——

Mr. PRAGER. This is the same question.

Mr. TAVENNER. Just a moment. For the purpose of propagating Communist Party decisions within those groups?

Mr. PRAGER. This is the same question in a different form, and I refuse to answer on the grounds previously stated, but I would like to explain how I personally was active in my union.

Chairman WALTER. We are not concerned with that.

Mr. PRAGER. I tried to get the basic minimum wage raised.

Chairman WALTER. You were asked a question and you declined to answer it, and that is all.

Mr. PRAGER. These things are very important to me, and the fact that I fought against the blacklist.

Chairman WALTER. Other things are important to us.

Mr. PRAGER. And I fought to get the minimum wage raised, and I think it is quite important to all factors.

Chairman WALTER. The matter of the Communist Party activities are unimportant, is that right?

Mr. PRAGER. This attack against the union is uncalled for.

Chairman WALTER. Nobody is attacking any union. We are just trying to assist the union members in seeing what the true situation is.

Mr. PRAGER. I think that is not a legislative purpose, and I think that the union's business is the union's business.

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. TAVENNER. You say that you returned from California to New York in 1947, is that your testimony?

Mr. PRAGER. I believe so, but again I implore you to understand that I am very bad on the exact dates, but yes, I think that is right.

Mr. TAVENNER. Since your return to New York, in 1947 or 1948, how have you been employed?

Mr. PRAGER. I came back in 1947 and I worked in a nightclub. While I was here, after the finish of the engagement in the nightclub, I was hired for a film while being here, and I went back and made that film, and 1 or 2 others, and then I came back to New York after that, and I have been here ever since.

Mr. TAVENNER. What has been your employment since you have been back in New York?

Mr. PRAGER. I worked in a musical review called, Two on the Aisle.

Mr. TAVENNER. What year was that?

Mr. PRAGER. Again approximately, I think that that must have been around 1952 or 1953 and it was in the summertime, around in there. When that closed, I worked in a musical package of a play called, One Touch of Venus, and when I came back I worked in a musical review called, Two on the Aisle, and when that closed I worked in a revival of a play on Broadway called Room Service.

After that I did some more summer work in Dallas, and on the cape, and then there followed a period of unemployment, and I'm now currently engaged in a Broadway musical.

Mr. TAVENNER. What is the name of that musical?

Mr. PRAGER. The Pajama Game.

Mr. TAVENNER. Will you tell the committee your television credits?

Mr. PRAGER. When I came back from California, I worked on a show called The College Bowl, a musical show, which had a contract show, which had a certain kind of run, and I think it was about 26 weeks.

After that I worked very sporadically on television, and I think that I can't give you these chronologically, but I have worked on, the Colgate Comedy Hour, on the Jackie Gleason Show.

There are very few. That is about offhand all I can remember. I am sure there were 1 or 2 others, and I worked for instance, on a show whose name I can't think of, where I was acting out sketches, a kind of game, you know. I also worked on a show called, Say It With Acting, which was playing charades.

Mr. TAVENNER. What about radio shows?

Mr. PRAGER. To the best of my recollection, I haven't been on a radio show in a long time.

Mr. TAVENNER. During the period of time that you have been an actor, you have been prominent in numerous Communist Party activities, have you not? For instance, the sponsorship of the Conference for Thought Control, held in California in 1947, under the auspices of the Hollywood Council of the Arts, Sciences, and Professions and the Progressive Citizens of America.

Mr. PRAGER. I can answer that by saying to you first of all that I am against thought control, and I am for peace, and I will not answer any question which invades my privacy and my right of association, and I will invoke my privilege under the fifth amendment.

Mr. TAVENNER. Are you against thought control on the part of the Communist Party against its members?

Mr. PRAGER. That is a trick question, Mr. Tavenner.

Mr. TAVENNER. No, it isn't.

Mr. PRAGER. To me it is, and consequently I can't involve myself with you in it.

Mr. TAVENNER. You have never spoken out against thought control as exercised by the Communist Party, have you?

Mr. PRAGER. That is the same question, and I won't answer it for the same grounds previously stated. But I will tell you this, at some other time, at some other place, I will discuss anything with you on any level, but not in this wall cloaked with these ground rules.

Mr. TAVENNER. And not under oath?

Mr. PRAGER. Well, I think that I have answered it.

Mr. TAVENNER. You also took part in the movement by the actor's division of the Progressive Citizens of America, on November 3, 1947, in attacking the predecessors of this committee, did you not?

Now, in asking you that question, anyone has a right, of course, to attack this committee, and the only purpose, or the reason I ask you about it is to find out whether or not you were part of a Communist Party plan to do so.

Mr. PRAGER. I would like to answer that by saying that it is true anybody has the right to attack this committee, but you do it at the risk of losing your job. History has shown that if you attack this committee and if you are openly aggressive against the committee, you are in great jeopardy of losing your job. In answer to your question, I am not going to answer it on the grounds previously stated. But if you look at the history of the people who have attacked this committee, you will find that they have been blacklisted.

Mr. TAVENNER. I think that your testimony shows that since 1947, you have had quite extensive employment. You took part as one of the signers in the amicus curiae brief filed in behalf of the Hollywood Ten, did you not?

Mr. PRAGER. Yes, I did.

Mr. TAVENNER. To what extent was the Communist Party instrumental in procuring your signature to it?

Mr. PRAGER. It is the same kind of trick question, and I won't answer it on the grounds previously stated.

Mr. TAVENNER. Did the Communist Party or any person known to you to be a member of the Communist Party influence you in obtaining your signature to that brief?

Mr. PRAGER. I stand on my previous statement.

Mr. SCHERER. I ask you to direct him to answer the question, Mr. Chairman.

Chairman WALTER. I direct you to answer the question.

Mr. PRAGER. I am not answering it because I believe my constitutional rights are being attacked, and I will not answer it because you are prying into my associations and because I don't think that this question has any legislative purpose in relation to this committee, and I will not answer it because I am invoking my privilege under the fifth amendment.

Also I will not answer it because I think that the question has in it an intention to intimidate people from filing briefs.

Mr. SCHERER. I ask that the witness be directed to answer the question because I think that he waived his right to invoke the fifth amendment when he said that he signed the petition.

Chairman WALTER. He was directed to answer, and he didn't.

Mr. TAVENNER. Were you one of the sponsors of the peace meeting held in Mexico City in August of 1949?

Mr. PRAGER. I am for peace, and I always have been for peace, and I don't think there is going to be a war.

Chairman WALTER. Will you answer the question, please?

Mr. PRAGER. Any question of peace, I am for.

Chairman WALTER. What about this particular one?

Mr. PRAGER. I am going to decline to answer that on the grounds previously stated.

Mr. SCHERER. Did you go to Mexico at that time, Witness?
(Witness consulted with counsel.)

Mr. PRAGER. I believe that that is the same question, and I refuse to answer it on the grounds previously stated.

Mr. SCHERER. Were you ever in Mexico?

Mr. PRAGER. Yes, I have been in Mexico.

Mr. SCHERER. What was the date of this peace meeting?

Mr. TAVENNER. August of 1949.

Mr. SCHERER. Were you in Mexico in August of 1949?

(Witness consulted with counsel.)

Mr. PRAGER. I was in Mexico around 1950, in a place called Rosa Rita Beach, and it is near Ensenada, and I have never been in Mexico City to the best of my recollection.

Chairman WALTER. Were you in Mexico in August of 1949, that was the question?

(Witness consulted with counsel.)

Mr. PRAGER. I stand on the previous grounds that I stood on before.

Mr. SCHERER. I ask you to direct the witness to answer. I cannot accept your answer, Witness.

Chairman WALTER. I direct you to answer the question.

Mr. PRAGER. I will not answer it because I stand on my constitutional privileges.

Mr. WILLIS. Were you in Mexico more than once?

Mr. PRAGER. I think that I might have been, and it is kind of easy to drive down from Los Angeles into Lower California.

Mr. SCHERER. What were your reasons for going to Mexico?

Mr. PRAGER. I think that that question is, you know, also, intending to entrap me, and I am not going to answer it, and no matter what the reasons are, I don't think that you have the right to ask me my reasons to go anyplace.

Mr. SCHERER. I ask you to direct the witness.

Chairman WALTER. I direct the witness.

Mr. PRAGER. I will not answer and stand on the grounds previously stated.

Mr. TAVENNER. Is Stanley Prager your professional name or is it your real name?

Mr. PRAGER. It is both.

Mr. TAVENNER. It is both?

Mr. PRAGER. Yes, sir.

Mr. TAVENNER. Have you used any other name?

(Witness consulted with counsel.)

Mr. PRAGER. I decline to answer that on the grounds previously stated.

Chairman WALTER. I direct you to answer that question.

Mr. PRAGER. I decline to answer on the grounds previously stated.

Mr. SCHERER. Do you feel that to tell us whether or not you have used any other name would tend to incriminate you, Witness?

Mr. PRAGER. I decline to answer, Mr. Congressman, on the grounds previously stated, but may I have a moment with my attorney?

Mr. SCHERER. I ask you to direct the witness, Mr. Chairman.

(Witness consulted with counsel.)

Mr. PRAGER. I am declining, Mr. Chairman, to answer that question on the grounds previously stated, but I am also stating that there is no inference of guilt involved here.

Mr. SCHERER. I am asking you again, do you feel that to answer the question of whether or not you used any other name would tend to incriminate you?

Mr. PRAGER. I decline to answer on the grounds previously stated, although I again say—

Mr. SCHERER. You cannot take the fifth amendment on the fifth amendment.

Chairman WALTER. I direct you to answer the question.

Mr. PRAGER. I decline to answer, again, on the grounds previously stated.

Mr. TAVENNER. You have stated that your professional and your true name is Stanley Prager. Were you born under the name of Stanley Prager?

Mr. PRAGER. Yes.

Mr. TAVENNER. What was the last television play that you were engaged in? I am not certain that I understood you.

Mr. PRAGER. Well, let me ask you to clarify that. The last television play, or appearance?

Mr. TAVENNER. Appearance.

Mr. PRAGER. I believe the last television appearance that I made was at a benefit for cerebral palsy.

Mr. TAVENNER. What was the last television play in which you engaged?

Mr. PRAGER. To the best of my knowledge, it must have been last summer on the Colgate Comedy Hour.

Mr. TAVENNER. Have you had a position of any character within the framework of the American Federation of Television and Radio Artists' organization?

Mr. PRAGER. I don't understand the question. Would you define that a little more clearly?

Mr. TAVENNER. Have you held any position within that organization?

(Witness consulted with counsel.)

Mr. PRAGER. No.

Mr. TAVENNER. Elective or appointive?

Mr. PRAGER. Not to my knowledge, I don't remember holding any position. I am a member in good standing.

Mr. TAVENNER. Have you held any position in Actors Equity?

Mr. PRAGER. Not to my knowledge.

Mr. TAVENNER. You would know if you had.

Mr. PRAGER. I was never an officer or council member, if that is what you are referring to.

Mr. SCHERER. Were you ever a committee chairman of either of the unions?

Mr. PRAGER. Not to my knowledge. I might have at one time been a teller, or, yes, I was a sergeant-at-arms at a couple of Actors Equity meetings.

Mr. SCHERER. That is an office.

Mr. TAVENNER. Were you a member of the Communist Party at any time that you were a member of either of these organizations?

Mr. PRAGER. I am not going to answer that question because you are prying into my associations, and you are attacking the Constitution, and I am going to invoke my privilege guaranteed me under the fifth amendment.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. PRAGER. I am not going to answer that question because, as I explained to you, my associations and my beliefs and my right of whom I meet with, or what I read, is my own private affair, and it has no business of this committee and I can't see any legislative functions that this committee has in asking these kind of questions, and consequently I refuse to answer it on my rights guaranteed me under the first amendment, and I invoke my privilege as guaranteed me under the fifth amendment, although I say that there is no incrimination necessarily stated here.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. SCHERER. Mr. Prager, Mrs. Townsend, as you know now, testified under oath before this committee as to your Communist——

Mr. PRAGER. May I speak to my attorney for a moment?

(Witness consulted with counsel.)

Mr. PRAGER. I meant in the last statement that no inference should be drawn, and I used an incorrect word, and may I have that corrected, please?

Mr. SCHERER. Mr. Prager, as you now know, Mr. Lytton and Mrs. Townsend testified under oath before this committee as to your Communist Party membership. You referred to Mrs. Townsend as an informer and a stool pigeon. I am going to ask you whether or not the testimony which Mrs. Townsend gave to this committee under oath about you was true or false?

Mr. PRAGER. I decline to answer that question on the grounds previously stated.

Mr. SCHERER. I have no further questions.

Chairman WALTER. The witness is excused.

The committee will stand in recess until 2:15 p. m.

(Whereupon, at 12:50, the committee recessed until 2:15 p. m., the same day.)

AFTERNOON SESSION—AUGUST 15, 1955

Chairman WALTER. The committee will be in order.

Will you call your next witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Martin Wolfson.

Mr. WOLFSON. I have a little trouble with hearing, and I would like to have counsel sit on this side of me.

Mr. TAVENNER. I have no objection.

Chairman WALTER. Will you raise your right hand, Mr. Wolfson.

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WOLFSON. I do.

TESTIMONY OF MARTIN WOLFSON, ACCOMPANIED BY HIS COUNSEL, PAUL L. ROSS

Mr. TAVENNER. What is your name, please, sir?

Mr. WOLFSON. My name is Martin Wolfson.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. ROSS. Paul L. Ross, 160 Broadway, New York City.

Mr. TAVENNER. When and where were you born, Mr. Wolfson?

Mr. WOLFSON. I was born in New York City.

Mr. TAVENNER. When?

Mr. WOLFSON. In 1904.

Mr. TAVENNER. Where do you now reside?

Mr. WOLFSON. New York City.

Mr. TAVENNER. What address?

Mr. WOLFSON. Counsel, if you don't mind, I have a wife and child, and I would like to not give the address. There are some crackpots in this town, and I don't want to have any trouble for them.

Mr. TAVENNER. Will you answer the question, please?

Mr. WOLFSON. I will give it to you privately.

Mr. TAVENNER. For the record?

Chairman WALTER. That is all right.

Mr. TAVENNER. How long have you resided in the city of New York?

Mr. WOLFSON. On and off, all of those years, 51.

Mr. TAVENNER. What is your profession?

Mr. WOLFSON. I consider myself an actor, and I have been an actor for 30 years.

Mr. TAVENNER. What is your present employment as an actor?

Mr. WOLFSON. I would be working right now if I hadn't been served with a subpoena by this committee, which forced me to cancel a 3-week contract at the St. Louis Municipal Opera, and a contract that I had entered into in March. I asked for a postponement, incidentally, and I didn't get it.

Mr. TAVENNER. Will you answer the question, please, sir?

Mr. WOLFSON. I am not employed now.

Mr. TAVENNER. What show were you employed by at the time you say you came here to testify?

Mr. WOLFSON. South Pacific.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. WOLFSON. I was educated in the schools of Brooklyn, N. Y., and graduated from the College of the City of New York in 1924 with a B. A. degree.

Mr. TAVENNER. When did you first begin your employment as an actor in a professional capacity?

Mr. WOLFSON. I would say in 1925.

Mr. TAVENNER. I have before me a photostatic copy of the December 17, 1931, issue of the Daily Worker, and I find there a notice regarding a play in which you were an actor. The play was entitled "Counselor at Law." Do you recall that play?

Mr. WOLFSON. I do.

Mr. TAVENNER. In giving the account of the play, it is stated that—Wolfson, just before entering the cast, had traveled in Russia, studying the theaters there, and had staged the Front Page in Moscow."

Is this a correct report of your experience in Russia?

Mr. WOLFSON. Mr. Chairman, I am glad to say that today we are talking about cultural exchanges between peoples, and I went to the Soviet Union because at the time that we had a depression, I didn't have any stocks, and I had a few dollars, and I went to study the theater. It is correct to say that I helped direct the play. I don't speak Russian myself.

Mr. TAVENNER. Was the play Counselor at Law taken to Russia? It is noted in this article it had been invited to the Soviet Union.

Mr. WOLFSON. As far as I know, it did not.

Mr. TAVENNER. Do you know whether or not it was invited?

Mr. WOLFSON. No, I do not.

Mr. TAVENNER. How long were you in the Soviet Union?

Mr. WOLFSON. About 3 months.

Mr. TAVENNER. What was the purpose of your going?

Mr. WOLFSON. I thought I explained, Counselor.

Mr. TAVENNER. Was there any other purpose?

Mr. WOLFSON. There was no purpose—purely cultural.

Mr. TAVENNER. Were you a member of the Communist Party at the time that you were in Russia?

Mr. WOLFSON. Mr. Chairman, I think that the purpose of this committee is to throw fear into the theater. I think that it is no accident that you come here at this time, just when productions are being planned for the fall, actors are being engaged, and plays are being read. You are trying to throw fear into the theater, and I don't think the purpose is a correct one or valid one.

Chairman WALTER. Will you answer the question?

Mr. WOLFSON. Further, I would say that I refuse. Will you state the question again?

Mr. TAVENNER. My question was in substance this: Were you a member of the Communist Party at the time you were in Russia?

Mr. WOLFSON. You have no right to inquire into my associations, my beliefs, and my thoughts.

Chairman WALTER. Never mind the argument, answer the question.

Mr. WOLFSON. May I say it in my own way, Mr. Chairman?

Chairman WALTER. Answer the question, and don't give us an argument. We are not interested in that.

Mr. WOLFSON. You may not be interested in it but I am interested in giving the reasons for it.

Chairman WALTER. Now answer the question.

Mr. WOLFSON. I have the right to give the reasons for my refusal to answer this question, have I not?

Chairman WALTER. After you refuse to answer.

Mr. WOLFSON. I refuse to answer the question and I do it on the right of my privilege of refusing to bear witness against myself.

Chairman WALTER. All right.

Mr. SCHERER. Now, will you read that answer?

(Whereupon the reporter read the previous answer as above recorded.)

Mr. SCHERER. You are invoking the fifth amendment then, against self-incrimination?

Mr. WOLFSON. I think that you will find that in the fifth, Congressman.

Mr. SCHERER. I understand, but under the recent Supreme Court decision, there is a duty imposed upon this committee to ask the witness when it is not clear that he is invoking the fifth amendment, to specifically ask that question.

Mr. WOLFSON. I do. I invoke the fifth amendment.

Mr. TAVENNER. Have you been engaged as an actor at any time in Hollywood?

Mr. WOLFSON. I have been there with plays.

Mr. TAVENNER. You were there in an official capacity, I assume then.

Mr. WOLFSON. That is right.

Mr. TAVENNER. When did you first go to California?

Mr. WOLFSON. To the best of my recollection, I would say in 1926.

Mr. TAVENNER. What was your purpose in going at that time?

Mr. WOLFSON. I was in a play called Gentlemen Prefer Blondes.

Mr. TAVENNER. Was that a screen production?

Mr. WOLFSON. It was a play, counselor, I just told you.

Mr. TAVENNER. Was it also produced on the screen?

Mr. WOLFSON. Subsequently it was.

Mr. TAVENNER. Were you in it when it was produced in movies?

Mr. WOLFSON. I was not.

Mr. TAVENNER. How long were you in California at that time?

Mr. WOLFSON. To the best of my recollection, I would say a few months, playing up and down California.

Mr. TAVENNER. What was the occasion of your next trip to California?

Mr. WOLFSON. I believe it was in 1932.

Mr. TAVENNER. What was the occasion of your going there at that time?

Mr. WOLFSON. I think that was in the play Counselor at Law, but I am not sure, though.

Mr. TAVENNER. Will you tell us the next time that you were in California engaging in your profession?

Mr. WOLFSON. It was in 1933.

Mr. TAVENNER. What was the occasion of your being there then?

Mr. WOLFSON. A tryout of a play called, Ladies and Gentlemen.

Mr. TAVENNER. Was that on the stage or screen?

Mr. WOLFSON. It was on the stage, a tryout of a play.

Mr. TAVENNER. Did you at any time engage in acting for the screen?

Mr. WOLFSON. I have for some commercial pictures here in the East, the names of which I have forgotten.

Mr. TAVENNER. Have you engaged in that work in the West?

Mr. WOLFSON. No, I have not. I might have engaged in it at this point if this committee hadn't subpoenaed me, and I had two offers.

Mr. TAVENNER. In 1939, this was a tryout for a stage play. How long were you in California at that time?

Mr. WOLFSON. I would say about a month. Maybe a little more.

Mr. TAVENNER. What was the occasion of your next trip to California?

Mr. WOLFSON. That is all.

Mr. TAVENNER. Will you tell the committee please what your principal stage credits have been in New York, and the approximate dates?

Mr. WOLFSON. I was in a play called, Grant Street Follies, about 1924 or 1925, I guess it was around there, in which I played the part of a takeoff on a Senator in Grant Street Follies, as you know.

Mr. TAVENNER. It is not my purpose for you to give us the plot of the play, merely the title of it.

Mr. WOLFSON. I see. I appeared in a play called, The Glass Slipper, and I appeared in a play called, Faust, and I appeared in a play called Goat Song. I have been in the theater 30 years, you know. I

have appeared in a play called Marco's Millions, Vulpani, As You Were, Counselor at Law, and Gentlemen Prefer Blondes.

Mr. TAVENNER. Now up to that point, about what date have you reached?

Mr. WOLFSON. Well, that is 1932, that includes 1932.

I was in a play, and I don't mean any offense to the committee, called No for an Answer, and I was in a play called Black Pit, a very good play.

Mr. TAVENNER. Was that play by Albert Moltz?

Mr. WOLFSON. I believe it was.

Mr. TAVENNER. You know it was, don't you?

Mr. WOLFSON. A very good play.

Mr. TAVENNER. Don't you know it was?

Mr. WOLFSON. Which castigated stool pigeons.

Mr. TAVENNER. Don't you know it was Albert Moltz' play?

Mr. WOLFSON. I know it was, yes.

Mr. TAVENNER. Were you personally acquainted with Albert Moltz?

Mr. WOLFSON. I don't think that you have the right to inquire into my associations, and I shall therefore refuse to answer.

Mr. SCHERER. I ask you to direct the witness to answer the question, Mr. Chairman.

Mr. WOLFSON. I fear the consequences of your question, and therefore invoke my privilege under the fifth amendment.

Chairman WALTER. I direct you to answer the question.

Mr. WOLFSON. I refuse to bear witness against myself.

Mr. TAVENNER. Will you proceed?

Mr. WOLFSON. I was in a play called Brooklyn, USA, a play called Counter-Attack, and no relation to the paper that has blacklisted me.

I was in a play called Cup of Trembling. Guys and Dolls, and Threepenny Opera.

Did I tell you South Pacific?

Chairman WALTER. You did a while ago.

Mr. TAVENNER. During the period that you were engaged in acting, did you also engage in other activities in which the Communist Party had a special stake and in which it was interested, such as the following:

About the time of the purge by Stalin in the Soviet Union, in 1938, there appears in the Daily Worker issue of April 28, 1938, an advertisement in defense of the purge trials in the Soviet Union, which contained a statement as follows:

The measures taken by the Soviet Union to preserve and extend its gains and its strength therefore find their echoes here where we are staking the future of the American people on the preservation of progressive democracy and the unification of our efforts to prevent the Fascists from strangling the rights of the people.

American liberals must not permit their outlook on these questions to be confused, nor allow their recognition of the place of the Soviet Union in the international fight of democracy against fascism to be destroyed. We call upon them to support the efforts of the Soviet Union to free itself from insidious internal dangers, principal menace to peace and democracy.

Will you examine the list of those who signed it and state whether or not your name appears there.

(A document was handed to the witness.)

(Witness consulted with counsel.)

Mr. WOLFSON. Mr. Counsel, I think the paper speaks for itself, but I am not going to allow you to inquire into any of my associations, and I refuse to answer on the basis of my——

Mr. TAVENNER. Will you examine the paper and state to the committee what name you see, the third name from the bottom of the list on the right-hand column?

Mr. WOLFSON. Mr. Congressman, or Mr. Counsel, anyone could read that for himself.

Mr. TAVENNER. Well, can you read it?

Mr. WOLFSON. I decline to answer.

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer.

Chairman WALTER. I direct you to answer the question.

Mr. WOLFSON. The same answer for the previously stated position.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Wolfson Exhibit No. 1," for identification only.

Chairman WALTER. Mark it, and let it be received.

The name at the bottom of this list, third from the bottom, is Martin Wolfson. Are you the Martin Wolfson whose name appears on this paper?

Mr. WOLFSON. For the same reason, Congressman, I refuse to answer that.

Mr. TAVENNER. At the time that defense was made of the Soviet purges, were you a member of the Communist Party?

Mr. WOLFSON. The same objection, and the same refusal to answer.

Mr. TAVENNER. Has there been any other activity in the field of acting which you engaged in, and which you have not told us about? (Witness consulted with counsel.)

Mr. TAVENNER. Your experience has been over such a long period of time, I will try to simplify the question. Were you a member of, or employed by the Federal Theater project?

Mr. WOLFSON. Yes. I wasn't a member of the project. I was employed by it for one show.

Mr. TAVENNER. What was that show?

Mr. WOLFSON. It was a Yiddish production called Tailor Becomes a Storekeeper, I think.

Mr. TAVENNER. How long were you connected with it?

Mr. WOLFSON. A short time, I would say.

Mr. TAVENNER. What do you consider a short time?

Mr. WOLFSON. Six months maybe, or five months.

Mr. TAVENNER. The committee has received considerable evidence indicating the existence among the employees of the Federal Theater project, of organized groups of the Communist Party. Were you aware of the existence of any such organized group during the period you were in that play?

Mr. WOLFSON. I think the Federal Theater was one of the greatest things that ever happened to America, and I think this committee helped to defeat that. I don't think this committee is here to help the theater, as I have indicated in the statement of mine.

Mr. TAVENNER. May I ask that the witness be directed to answer the question?

Mr. WOLFSON. Will you repeat the question again?

Mr. TAVENNER. Were you aware of the existence within the Federal Theater project of any organized group or groups of the Communist Party while you were employed by it?

Mr. WOLFSON. I shall refuse to answer that question for the previously stated reason.

Mr. TAVENNER. Will you tell the committee whether there was an outgrowth from the Federal Theater projects of an organization entitled "Theater Arts Committee"?

Mr. WOLFSON. For the same reason I shall refuse to answer that question.

Mr. TAVENNER. Were you on the executive board of the Theater Arts Committee?

Mr. WOLFSON. I shall refuse to answer that for the same reason.

Mr. TAVENNER. I have before me a photostatic copy of a letterhead of the Theater Arts Committee which gives the names of the members of the executive board, including the executive secretary and the advisory council, in which the name Martin Wolfson appears as a member of the executive board, in charge of production division.

I desire to introduce it in evidence and ask that it be marked "Wolfson Exhibit No. 2" for identification only.

Chairman WALTER. Mark it and let it be received.

Mr. TAVENNER. Mr. Wolfson, you were an actor over a long period of time. Will you tell the committee whether or not the Communist Party or any of its members endeavored to obtain assistance from actors in taking part in causes that the Communist Party was interested in the United States and was endeavoring to promulgate or support?

(Witness consulted counsel.)

Mr. WOLFSON. I think that is a question that you know what the answer will be. I take the same position. I refuse to answer it for the same reason.

Mr. TAVENNER. Do you recall a period of time when the Communist Party was extremely interested in the trial of Harry Bridges?

Mr. WOLFSON. Yes.

Mr. TAVENNER. Do you recall that Attorney General Biddle of the United States, in reviewing the record of that case, made a severe indictment of the Communist Party?

(Witness consulted with counsel.)

Mr. WOLFSON. I am going to plead the fifth amendment.

Mr. TAVENNER. Do you recall that the Communist Party made a great effort to obtain a reversal of that condemnation by the Attorney General, which took the form of a letter to the President requesting that he demand that Attorney General Biddle rescind his decision?

Mr. WOLFSON. My answer is the same.

Mr. TAVENNER. I hand you a photostatic copy of a pamphlet, or rather pages from a pamphlet issued by the National Federation for Constitutional Liberties, the title of which is "600 Prominent Americans Ask President To Rescind Biddle Decision." Will you look at page 32, and see whether or not your name is one of those whose support was lent to that project?

(A document was handed to the witness.)

Mr. TAVENNER. It is on the last page.

Mr. WOLFSON. I plead the fifth amendment.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Wolfson Exhibit No. 3" for identification only.

Chairman WALTER. Mark it and let it be received.

Mr. TAVENNER. I will call the attention of the chairman to the fact that the last name appearing in the left-hand column on page 32 is the name of Martin Wolfson. He is identified as an actor in New York City. Did you sign that document, Mr. Wolfson?

Mr. WOLFSON. The answer is the same, Counsel.

Mr. TAVENNER. Did you lend your efforts, Mr. Wolfson, to various peace appeals that the Communist Party endeavored to foist upon the American public?

(Witness consulted with counsel.)

Mr. WOLFSON. I have always been interested in peace because only with peace can an artist develop and can culture develop, which is what we need very badly. I think we are living in a world today when peace is really a reality, but by the same token, the fact that this committee asks me that question, puts me in a position of having to take the fifth amendment in answering, that I will not answer that because I will not be a witness against myself.

Mr. TAVENNER. It isn't the fact that the committee asks such a question, is it? Isn't it the fact that these particular peace appeals were engineered by the Communist Party for Communist Party purposes and propaganda?

Mr. WOLFSON. The answer is the same.

Mr. TAVENNER. Did you endorse the Waldorf conference?

Mr. WOLFSON. The same answer.

Mr. TAVENNER. Were you a member of the National Council of the Arts, Sciences, and Professions?

Mr. WOLFSON. The same answer.

Mr. SCHERER. Has that been cited as a Communist-front organization, Mr. Tavenner?

Mr. TAVENNER. The Congress on American-Soviet Relations was sponsored by the National Council of American-Soviet Friendship in December of 1949 and a program put out by that organization contains the names of a number of endorsees, including the name of Martin Wolfson, New York. Will you tell the committee, please, how your name was obtained for use by the National Council of American-Soviet Friendship, if it was used with your permission?

Mr. WOLFSON. I decline to answer for the previously stated reason.

Mr. TAVENNER. Are you acquainted with a person by the name of Robert Shayne?

(Witness consulted with counsel.)

Mr. WOLFSON. I refuse to answer for the same reason.

Mr. TAVENNER. Mr. Shayne's Communist Party name was Robert Grosvenor, according to his testimony before this committee. Mr. Shayne testified that he had been a member of the Communist Party and had withdrawn, and he gave the committee the benefit of facts within his knowledge. In the course of his testimony, he identified you as a person who appeared at Communist Party meetings attended by him. Do you recall having appeared at Communist Party meetings attended by him?

(Witness consulted with counsel.)

Mr. WOLFSON. I think informing has become a profitable industry as a result of this committee. I decline to answer that question for the previously stated reason.

Chairman WALTER. I just can't let this statement go unchallenged. Nobody has ever made a profit out of testifying for this committee, or before the committee, and this man received the same witness fees that you will receive after you testify.

Mr. WOLFSON. Will I receive the loss of 3 weeks' work, Congressman, to wit, \$1,065? And I would like this committee to know that the average income of the actor is less than \$800 a year. This is for the committee to know.

Chairman WALTER. We are talking about witnesses being paid to testify.

Mr. WOLFSON. I lose a very good engagement as a result of this.

Mr. SCHERER. You said the average income is \$800, and you are losing \$1,200 for this period?

Mr. WOLFSON. That is right. You can't figure that, Congressman?

Mr. TAVENNER. Are you now a member of the American Federation of Television and Radio Artists?

(Witness consulted with counsel.)

Mr. WOLFSON. I don't think whether I am a member of the union or not is a concern of this committee. But I shall answer your question—I am.

Mr. TAVENNER. How long have you been a member of it?

Mr. WOLFSON. One of the things that I fought for in my career was the organization of radio, and I have been a member of it since its inception.

Mr. TAVENNER. Since its inception have you endeavored to assist the Communist Party in any manner in promulgating its policies or its plans within that organization or any of its predecessors?

(Witness consulted with counsel.)

Mr. WOLFSON. I have been a good member of this union. I have been against anything that tends to put the actor in a straitjacket of frightened conformity.

Mr. TAVENNER. Have you tried to impose the Communist Party line upon the organization?

Mr. WOLFSON. I refuse to answer your question on the grounds previously stated.

Mr. TAVENNER. Have you played any part in an effort to impose upon your group, in which you say you are so interested, any decision of the Communist Party?

(Witness consulted with counsel.)

Mr. WOLFSON. My union activities are a matter of record, but I decline to answer your question for the same reasons.

Mr. TAVENNER. You spoke of what is a matter of record. Will you tell the committee whether or not it is a matter of record that caucus groups composed of members of the Communist Party within the American Federation of Television and Radio Artists were held?

Mr. WOLFSON. I decline to answer that question for the same reason.

Mr. TAVENNER. Well, if it is not a matter of record, do you know of the holding of such caucus meetings?

Mr. WOLFSON. I decline to answer for the same reason.

Mr. TAVENNER. Were you present at any time during such a caucus?

Mr. WOLFSON. I decline to answer for the same reason.

Mr. TAVENNER. At the time you state that you were such a good member of the union, were you also a member of the Communist Party?

Mr. WOLFSON. I decline to answer for the same reason.

Mr. TAVENNER. Were you also a member of Actors Equity?

Mr. WOLFSON. I repeat that I think that this committee has no right to ask me my associations, but I shall answer that. I am a member of Actors Equity.

Mr. TAVENNER. How long have you been a member?

Mr. WOLFSON. Since 1927.

Mr. TAVENNER. Have you attended any caucus meetings of the Communist Party within Actors Equity?

Mr. WOLFSON. I shall refuse to answer that for the previously stated reason.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. WOLFSON. Naturally I am going to answer that by the same way, and I refuse to testify against myself.

Mr. TAVENNER. Up to this point we have been speaking exclusively of your profession of stage acting. Have you engaged in television work as an actor?

Mr. WOLFSON. Very little.

Mr. TAVENNER. What was your last employment in television?

Mr. WOLFSON. A program called American Heritage, and this I appeared in at the time when it seemed that the blacklist was about to be lifted and which has been reimposed by the appearance of this committee.

Mr. TAVENNER. When did you appear on that program?

Mr. WOLFSON. Several months ago, and I don't remember exactly when.

Mr. TAVENNER. Where?

Mr. WOLFSON. In New York.

Mr. TAVENNER. By whom were you employed?

Mr. WOLFSON. I think it was the National Broadcasting Co., but I am not sure.

Mr. TAVENNER. What was your television participation prior to that?

Mr. WOLFSON. An interview, I think, once.

Mr. TAVENNER. As an actor?

Mr. WOLFSON. I did very little.

Mr. TAVENNER. What was your television participation as an actor prior to the interview you mentioned?

Mr. WOLFSON. It must have been 3 or 4 years before that, when I was in a play, and I don't remember the name of it.

Mr. TAVENNER. I have before me a photostatic copy of the Daily Worker of January 26, 1950, which reflects that you took part in a play called Trial of the Traitors. I don't believe you told us about that. Do you recall it?

(Witness consulted with counsel.)

Mr. WOLFSON. Where was this performed?

Mr. TAVENNER. Capitol Hotel.

(Witness consulted with counsel.)

Mr. WOLFSON. I am going to invoke my constitutional privilege and refuse to answer the question.

Mr. SCHERER. I am going to ask you to direct the witness to answer the question.

Chairman WALTER. I direct you to answer the question.

Mr. WOLFSON. Then I will not bear witness against myself.

Mr. SCHERER. Was there anything about your participation in that play which would tend to incriminate you, witness?

Mr. WOLFSON. My position is the same, Congressman.

Mr. SCHERER. I ask that he give an answer.

Chairman WALTER. He has given an answer, I think.

Mr. TAVENNER. Was that play written by Jerome Chodorov?

Mr. WOLFSON. May I see that copy?

Mr. TAVENNER. Yes.

(A document was handed to the witness.)

Mr. WOLFSON. I shall stand on my constitutional right and refuse to answer that question for the reasons previously stated.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Wolfson Exhibit No. 4" for identification only.

Chairman WALTER. Let it be received.

Mr. TAVENNER. Are you acquainted with Jerome Chodorov?

Mr. WOLFSON. I don't think that you have a right to inquire into my associations, and I shall plead the fifth.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Chairman WALTER. Are there any questions, Mr. Willis, or Mr. Scherer?

Mr. SCHERER. I have no questions.

Chairman WALTER. The witness is excused.

Mr. WOLFSON. May I offer a statement to be filed?

Chairman WALTER. Call your next witness, Mr. Tavenner.

Mr. TAVENNER. I would like to call Mr. Lou Polan as the next witness.

Will you come forward Mr. Polan.

Chairman WALTER. Will you raise your right hand.

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. POLAN. I do.

TESTIMONY OF LOU POLAN. ACCOMPANIED BY HIS COUNSEL, DAVID SCRIBNER

Mr. TAVENNER. Are you Mr. Lou Polan?

Mr. POLAN. That is correct, sir.

Mr. SCRIBNER. I suggest there be no photographs during the testimony.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. SCRIBNER. David Scribner, 11 East 51st Street, New York.

Mr. TAVENNER. When and where were you born, Mr. Polan?

Mr. POLAN. I was born in Russia, in 1904.

Mr. TAVENNER. When did you come to this country?

Mr. POLAN. I came to this country in 1906.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. POLAN. I am.

Mr. TAVENNER. Through derivative citizenship?

Mr. POLAN. Through the fact that my father became naturalized when I was a young child.

Mr. TAVENNER. What is your present place of residence?

Mr. POLAN. In New York City, 45 West 69th Street, New York.

Mr. TAVENNER. How long have you lived in the city of New York?

Mr. POLAN. About twenty-odd years.

Mr. TAVENNER. What is your present occupation, or profession?

Mr. POLAN. Actor.

Mr. TAVENNER. How long have you been engaged in the profession of acting?

Mr. POLAN. 35 years.

Mr. TAVENNER. Is the name Lou Polan a professional name?

Mr. POLAN. Actually, my name is Louis Polan, but I have adopted Lou Polan for the stage.

Mr. TAVENNER. Will you tell the committee please what your formal educational training has been.

Mr. POLAN. Elementary school, and one grade of high school.

Mr. TAVENNER. Did you begin your acting career in the city of New York?

Mr. POLAN. That is correct, I did.

Mr. TAVENNER. About what date?

Mr. POLAN. 1920.

Mr. TAVENNER. Did you remain constantly in the city of New York for a period of time in the practice of your profession?

Mr. POLAN. Constantly.

Mr. TAVENNER. Except while engaged in trips?

Mr. POLAN. Or on a tour, overseas for two periods. I was in New York as the center from which I carried on my work as an actor.

Mr. TAVENNER. You said you were overseas for two periods. Was that during the period of the World War II?

Mr. POLAN. One period, yes. I went to the Philippines, and New Guinea with the USO, in Oklahoma.

Mr. TAVENNER. Did you go overseas as a member of the Armed Forces?

Mr. POLAN. With the USO. Before you go into great detail, I would like to establish the fact that I am an actor, and I have been in the theater a long time.

Mr. TAVENNER. I am trying to develop that right now, sir.

Mr. POLAN. I think we can save a lot of time. I have played with the outstanding companies of New York; the Playwrites Co., the Theater Guild, and I have played with the outstanding stars of the American theater, with Walter Huston; Judith Anderson; and Otis Skinner; and Jane Cowl; Lunt and Fontaine; and I can go down a tremendous list, and I have been with Walter Hampden, and I played every play he had in the classical repertoire, and particularly Cyrano de Bergerac, and I have been in Oklahoma for 2 years, and I have been in stock, and I have been in films, and I have been in television and radio, and the screen, and it is obvious that my activity for the past 35 years professionally has been as an actor.

All of my adult life and a good part of my youth has been dedicated to the theater, and my name is hardly important to you for the purpose of your inquisition, and your subpoena naming Lou Polan might just as well have named, "Mr. Theater."

I wish to put this committee on notice that I will not assist you in your lawless efforts to censor the legitimate theater or control the entertainment field which, in my opinion, are the real aims of this

committee. I challenge the legal authority of this committee to conduct this star-chamber proceeding. I am going to take an unequivocal position here, and I am going to give the reasons for not answering, and I am not going to answer any questions of this committee, and I wish to state the reasons.

Chairman WALTER. You just wait until you are asked a question.

Mr. POLAN. All morning you have been saying to people, "Why don't you mention the reasons you don't want to answer my questions?"

Chairman WALTER. You will answer whatever questions are propounded to you. Mr. Tavenner, proceed with questioning.

Mr. SCHERER. I suggest that if the witness continues in this vein, and in this outburst, violating the orders of the chairman, that he is guilty of contempt.

Chairman WALTER. We are not concerned about that for the moment.

Mr. SCHERER. I am so advising him.

Mr. TAVENNER. At the time you launched upon your prepared speech, I was asking you about the two occasions on which you were overseas, and you told us of one. Now, what was the other?

Mr. POLAN. I have spent 35 years—

Mr. TAVENNER. I am not asking you about 35 years.

Chairman WALTER. This is not responding. Answer the question.

Mr. POLAN. I would like to state, and I will not answer that question—

Chairman WALTER. Why won't you answer the question?

Mr. POLAN. I will now state the reasons why. This committee has no authority under the Constitution to censor, or control, or supervise, or direct the activities of a free American theater, or—

Chairman WALTER. You have not answered Mr. Tavenner's question.

Mr. POLAN. Or become casting director for the American theater. As the Supreme Court has stated, this committee cannot investigate in that area.

Chairman WALTER. We are not making any investigation of what you are talking about. Answer the question about your other trip abroad.

Mr. POLAN. This committee has no authority as the Supreme Court has stated, to become a law enforcement agency. That job is assigned to other branches of our Government who in turn must—

Chairman WALTER. Answer the question about your other trip to Europe.

Mr. POLAN. I am trying to state the reasons.

Chairman WALTER. You have not given us a legal reason.

Mr. POLAN. I may say I worked very hard on these reasons.

Chairman WALTER. You didn't work very hard.

Mr. POLAN. I did, because I wanted to be succinct and unequivocal in my position.

Chairman WALTER. You are not kidding anybody.

Mr. POLAN. I wish you would allow me 3 or 4 minutes to state my reasons. I don't have much time, and these are my reasons for not answering. I refuse to answer any questions this committee puts before me.

Chairman WALTER. If you refuse to answer, we are not going to hear your reasons.

Are you going to ask any more questions, Mr. Tavenner?

Mr. SCHERER. I ask you to direct the witness to answer.

Mr. SCRIBNER. He is telling you he is not answering.

Mr. SCHERER. You know the rules.

Mr. SCRIBNER. And I don't like them, and that is the reason.

Chairman WALTER. I want to again tell this audience that you are here as the guests of the committee, and any further demonstrations will compel me to order that the room be cleared.

Mr. TAVENNER. Mr. Chairman, I think that the witness should be clearly directed to answer that question. He says he has refused.

Mr. POLAN. I will ask to be directed to answer that question, then.

Chairman WALTER. I direct you to answer the question.

Mr. POLAN. I will not answer that question, and I am now giving the reasons.

Mr. TAVENNER. You are only permitted to give legal reasons.

Mr. POLAN. This committee has no authority.

Chairman WALTER. That is not the kind of a reason that you are permitted or should attempt to give.

Mr. POLAN. It isn't!

Mr. SCRIBNER. I say they are legal reasons, as his counsel, and if you will go into his reasons, you will find that he is going into every issue that the Supreme Court has been considering in the case that you know about that I was involved in.

Chairman WALTER. And has passed upon.

Mr. SCRIBNER. They have not, and perhaps there will be an opportunity to pass on it, and maybe they will do as they did in the Emspak and Quinn cases where the Court created limitations on this committee. Perhaps this will be a limitation on all of the activities of this committee, certainly in the field of the theater and I am very hopeful that is going to come about.

Chairman WALTER. It cannot come about, and we cannot raise the kind of a question here that would be passed on by the Supreme Court.

Mr. SCRIBNER. All he can do, and in all fairness, we have known each other a long time, and I say this most respectfully, and certainly to the institution of Congress as such, and what he is doing now—

Mr. SCHERER. I ask for regular order. I insist on the rules of this committee being followed.

Chairman WALTER. I am going to break the rules for one second.

Mr. SCRIBNER. All he wants to do is give what he considers to be legal reasons. You may not agree with the legal reasons, and you are an eminent lawyer, and I know that. I am a lawyer, and I say those reasons are good.

Now, he relies on me, rather than on you, and that is fair. I am representing him. In doing so, he is ready to take any risks and any chances that are involved in giving these as legal reasons.

Chairman WALTER. Except this is the wrong place to raise the reason.

Mr. SCRIBNER. He is asking him a question.

Chairman WALTER. He can refuse to answer on the grounds he doesn't have to answer. That is enough.

Proceed, Mr. Tavenner: ask another question.

Mr. SCRIBNER. You don't know whether he is going to wind up with the fifth amendment. You wouldn't know that.

Mr. TAVENNER. You stated that you made the city of New York your headquarters and you worked out of here, if I understood you correctly.

Mr. POLAN. That is right.

Mr. SCHERER. I still want to know where he went on this other trip.

Chairman WALTER. We will get around to that, Mr. Scherer.

Mr. TAVENNER. Did you reside in the city of New York during the years 1939 and 1940?

Mr. POLAN. I think that I made it quite clear that I am not going to answer any questions, and I am not going to answer this question, and I am not going to answer any question that this committee puts to me. I would like to continue stating my reasons on any question relating to the theater.

Chairman WALTER. That is all. You have just declined to answer the question, and now I think at this point, Mr. Tavenner, we ought to excuse the witness.

Mr. TAVENNER. Very well. Could we give him a direction on that question, first?

Chairman WALTER. I direct you to answer the last question.

Mr. WILLIS. I think the record should show that I do not agree with his reasons, and we overruled them.

Chairman WALTER. He has refused to answer that question, and he said that he will not answer any questions of this committee. Now, I direct you to answer the last question.

Mr. POLAN. Without giving my reasons?

Chairman WALTER. Where do you live?

Mr. POLAN. I think the rules of this committee indicate that a person can give his reasons for not answering the question.

Chairman WALTER. You have been directed to answer the question about your residence.

Mr. POLAN. I am refusing to answer any questions, and I insist—
(Witness consulted with counsel.)

Mr. POLAN. I refuse to answer this question and I would like to give my reasons.

Chairman WALTER. We are not concerned with your reasons for refusing to answer the question as to your residence.

Are there any other questions, Mr. Tavenner?

Mr. TAVENNER. No, sir.

Chairman WALTER. The witness is excused.

Mr. TAVENNER. Mr. Phillip Leeds. Is Mr. Leeds in the room?

Chairman WALTER. Will you raise your right hand?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEEDS. I do.

TESTIMONY OF PHIL LEEDS, ACCOMPANIED BY COUNSEL, MARTIN POPPER

Mr. TAVENNER. Are you Mr. Phil Leeds?

Mr. LEEDS. Yes, sir.

Mr. TAVENNER. Will you spell your name, please?

Mr. LEEDS. L-e-e-d-s.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. POPPER. Martin Popper.

Mr. TAVENNER. When and where were you born, Mr. Leeds?

Mr. LEEDS. I was born in the Bronx, New York City, April 6, 1916.

Mr. TAVENNER. Where do you now reside?

Mr. LEEDS. I live in the Borough of Manhattan, New York City.

Mr. TAVENNER. What address?

Mr. LEEDS. Excuse me.

(Witness consulted with counsel).

Mr. LEEDS. 411 West End Avenue.

Mr. TAVENNER. How long have you lived in the city of New York?

Mr. LEEDS. With the exception of the 3 years in the Army, and about 6 months in California, all of my life, on and off, aside from the tours that I made.

Mr. TAVENNER. What is your profession?

Mr. LEEDS. I am an actor, sir.

Mr. TAVENNER. How long have you been engaged professionally as an actor?

Mr. LEEDS. I would say roughly about 17 years.

Mr. TAVENNER. Would you tell the committee please what your principal stage credits are?

Mr. LEEDS. My theater credits, sir?

Mr. TAVENNER. Yes, theater credits.

Mr. LEEDS. That is excluding television and radio, just the theater credits?

Mr. TAVENNER. Yes.

Mr. LEEDS. I appeared in a show, my first show I think it was, Let Freedom Ring. Excuse me, it was, Of Thee I Sing, and I appeared in Let Freedom Ring, and then I went into the Army, and that was 3 years, and I did a show called Make A Wish, and another show called Curtain Going Up, and most recently, Can Can.

Mr. TAVENNER. Will you tell us what your television credits have been?

Mr. LEEDS. I have appeared with all of the major, or most of the major comedy shows, the Milton Berle Show, the Jimmy Durante Show, the Victor Borge Show, and I had my own show once, or what amounted to my own show, called Front Row Center.

Mr. TAVENNER. What is your latest appearance with television?

Mr. LEEDS. My last appearance on television was the Garry Moore Show.

Mr. TAVENNER. When was that?

Mr. LEEDS. That was about May, it must have been the end of May, of this year.

Mr. TAVENNER. Will you tell the committee please what your radio credits have been?

Mr. LEEDS. I have appeared on the Jane Pickens Show, where I was for a year, and I appeared on a Maxie Rosenbloom Show, and I have done odd mystery shows from time to time.

Mr. TAVENNER. During this rather extensive career on the stage and television and in radio, were you a member of any trade unions in those various professions?

Mr. LEEDS. In order to perform your job in radio or in television or in the theater, you must belong to a union.

Mr. TAVENNER. What unions did you belong to?

Mr. LEEDS. I belonged to AFRA, which was the radio union, and then I belonged to Actors Equity, and I also belonged to AGVA (American Guild of Variety Artists), which is the variety union.

Mr. TAVENNER. Were you a member of the American Federation of Television and Radio Artists?

Mr. LEEDS. Yes, sir, and I still am.

Mr. TAVENNER. I understood you to say AFRA a moment ago.

Mr. LEEDS. AFRA was an organization that predated.

Mr. TAVENNER. Did I misunderstand you? Did you mean AFTRA?

Mr. LEEDS. No, at that time, that particular time when I was in radio work, I had to belong to AFRA, and when television came into being, I joined the two unions that were merged.

Mr. TAVENNER. With regard to the American Federation of Television and Radio Artists, will you tell the committee whether or not, to your knowledge, there was a caucus within that organization of members of the Communist Party?

(Witness consulted with counsel.)

Mr. LEEDS. I must say at this point that I have been listening to this all morning, this particular line of questioning, and I would like to state how I feel so that perhaps we might, in the interest of time saving, get on with this hearing.

Mr. TAVENNER. If you would just answer that question, it would be the quickest way to get on with it, as you say.

Mr. LEEDS. Except sir, that I consider that you are throwing me a kind of a curved question.

Mr. TAVENNER. No, that is straight from the shoulder.

Mr. LEEDS. It might come straight from your shoulder but it kind of curves when it reaches me, to this degree, sir.

I think anybody who has ever been questioned on the stand could be made to turn out to be somebody completely different than what he is, because of the nature of the questions. You cannot answer a question "yes" or "no," and really get the complete picture of what is in the person's mind. That is, the person who is being questioned.

Mr. TAVENNER. Do you remember what the question is?

Mr. LEEDS. Yes, I do. You asked me do I know anything about a caucus, Communist caucus in the unions in which I belonged.

Mr. TAVENNER. Yes.

Mr. LEEDS. And I must tell you this, sir, that I believe that it is—I am very proud to be an American citizen.

Chairman WALTER. Do you know anything about a caucus that took place in the union?

Mr. LEEDS. I am afraid sir that I must decline to answer that question and invoke the privilege of the fifth amendment.

Mr. TAVENNER. My question related particularly to the American Federation of Television and Radio Artists, and I want to ask you the same question with regard to Actors Equity. Were you aware of the existence of a Communist caucus within that organization?

Mr. LEEDS. I must answer in the same manner, sir.

Mr. TAVENNER. Did you ever attend such a caucus meeting?

Mr. LEEDS. I must again answer in the same manner.

Mr. TAVENNER. Were you a member of the Communist Party at any time while you were a member of the American Federation of Television and Radio Artists?

Mr. LEEDS. I believe that it is the privilege of an American citizen to believe in Yogi Berra if he so desires, or that lanolin will save the world. I do not believe that it is your right to ask me any question concerning my politics, how I worship, and how I think, and what I read, and if I wear suits with narrow lapels or if I use an underarm deodorant. I think you are intruding on the privacies, or my privacy as an American citizen and as such I refuse to answer that question on the grounds previously stated.

Mr. TAVENNER. You are not a member of the Communist Party at this time, are you?

Mr. LEEDS. I refuse to answer that question on the grounds previously stated.

Mr. TAVENNER. Didn't you tell the investigators of this committee when they interviewed you that you did join the Communist Party in 1940, but that you are not now a member?

Mr. LEEDS. I am afraid that I must refuse to discuss what I say away from this court with anybody. I may talk to the trees, sir, if I so choose, and in fact sometimes I do talk to them. I think that is my privilege as an American citizen. I must decline to answer that question on the grounds previously stated.

Mr. TAVENNER. If you are talking to the trees, and you don't tell them any more than you tell us, it doesn't amount to much. You are unwilling to tell the committee anything within your knowledge regarding the activities of the Communist Party within the various organizations of which you have been a member. That sums it up, does it not?

Mr. LEEDS. Are you suggesting that I am a member of—you are putting words into my mouth, sir, or you are trying to get me into a position which I am ill-equipped to face. Will you repeat the question?

(Whereupon the reporter read the pending question as above recorded.)

Mr. LEEDS. If you will ask me a direct question, I will try and give a direct answer. I don't consider that a question.

Mr. TAVENNER. What Communist Party activities have you observed within any of the labor organizations of which you have been a member?

Mr. LEEDS. I think that I have previously stated my position, and I don't think that this committee has any right to ask me questions concerning what I think, and what I saw.

Chairman WALTER. Are you going to answer the question or do you refuse?

Mr. LEEDS. I decline to answer the question on the ground previously stated.

Chairman WALTER. By that you mean the first and fifth amendments?

Mr. LEEDS. The privilege, that is right, sir.

Mr. TAVENNER. Were you affiliated with the National Council of American-Soviet Friendship in 1947?

Mr. LEEDS. The same answer, sir.

Mr. TAVENNER. During the period in which you were specializing in acting, did you engage in your profession at Camp Wo-chi-ca, in New Jersey?

Mr. LEEDS. The same answer.

Mr. TAVENNER. Was that an IWO sponsored camp for young people?

Mr. LEEDS. The same answer, sir.

(At this point, Mr. Scherer left the hearing room.)

Mr. TAVENNER. In 1940, were you an entertainer for a concert and lecture bureau of the IWO?

Mr. LEEDS. I am afraid I must give the same answer, and I must confess that my memory that far back is very vague, but I must give the same answer, sir.

Mr. TAVENNER. Were you a member of the IWO at that time?

Mr. LEEDS. The same answer. In order to save ourselves trouble, you may consider this same answer. I hate to be this dull, sir, because I have gotten some kind of a reputation as a humorist, but these questions all have the same tired answer, and I am sorry.

Mr. TAVENNER. But you need not necessarily make the same tired answer, if you would just tell the committee facts.

Were you a member of the New Theater League?

Mr. LEEDS. I would not give you the same tired answer if you would not ask me the same tired question. You are asking me these same questions and I have already expressed my opinion about what I think my rights are as an American.

Chairman WALTER. These were not the same questions at all, they are entirely different.

Mr. LEEDS. They are pretty much the same questions, and they involve what I think, and who I associate with, and what I do with my time, which I think is quite my own business. Don't you, sir?

Chairman WALTER. No, I don't.

Mr. LEEDS. Well, I am awfully sorry, but I do.

Mr. TAVENNER. Were you acquainted with Zero Mostel?

Mr. LEEDS. Yes, sir.

Mr. TAVENNER. Did you engage in stage performances with him?

(Witness consulted with counsel.)

Mr. LEEDS. Would you be more specific, sir?

Mr. TAVENNER. Do you recall whether or not you did engage in performances with him, and if so, what performances?

(Witness consulted with counsel.)

(At this point, Mr. Scherer returned to the hearing room.)

Mr. LEEDS. As I recall, several summers ago, I performed with Zero at some—pardon me—some philanthropic Jewish organization, to the best of my knowledge.

Mr. TAVENNER. Do you recall a show entitled "Doctor IOU"?

Mr. LEEDS. No, sir, I do not.

Mr. TAVENNER. Which was given by the Voice of Freedom Committee?

Mr. LEEDS. Do you have any information about that, sir, because I don't know whereof you speak?

Mr. TAVENNER. I hand you a document and ask you if it refreshes your recollection.

(A document was handed to the witness.)

Mr. LEEDS. I must say that I do not recall this at all. I must explain to you, sir, that in these 17 years I have been in show business. I have performed at hundreds and hundreds of functions, but I really don't recall this at all.

MR. TAVENNER. I have no further questions, Mr. Chairman.

Chairman WALTER. Have you any questions of the witness, Mr. Scherer? Mr. Willis?

The witness is excused.

I think this would be a good place for a 5-minute recess.

(Whereupon a brief recess was taken by the committee.)

Chairman WALTER. The committee will come to order.

Call your next witness, Mr. Tavenner.

MR. TAVENNER. Miss Sarah Cunningham.

MR. BOUDIN. The same request about pictures, and no pictures now, or later.

Chairman WALTER. As soon as the witness has been sworn, there will be no more pictures.

Will you step around here, please? Will you raise your right hand, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

MISS CUNNINGHAM. I do.

TESTIMONY OF SARAH CUNNINGHAM, ACCOMPANIED BY HER COUNSEL, LEONARD BOUDIN

MISS CUNNINGHAM. I am sworn in, and no more pictures, please.

MR. BOUDIN. I thought there was an order by the chairman.

Chairman WALTER. There was.

MISS CUNNINGHAM. I think I sent this statement to the committee, and I would like to be permitted to read it here.

Chairman WALTER. May I see it, please?

(Document was handed to the chairman.)

MR. TAVENNER. What is your name, please?

MR. BOUDIN. Will you allow the chairman to look at the statement, and may my client read it?

Chairman WALTER. No, you know the rules.

MR. BOUDIN. I thought that the rule was that you could if it were given in advance.

Chairman WALTER. It will be made a part of the record if it is relevant.

MR. TAVENNER. What is your name, please?

MISS CUNNINGHAM. Sarah Cunningham Randolph.

MR. TAVENNER. The wife of John Randolph?

MISS CUNNINGHAM. Yes, a wonderful actor.

MR. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

MR. BOUDIN. Leonard Boudin, 25 Broad Street, New York 5, N. Y.

MR. TAVENNER. What is your profession, Mrs. Cunningham?

MISS CUNNINGHAM. "Miss" Cunningham. I am an actress.

MR. TAVENNER. I assume since you corrected me that your name, Miss Cunningham, is a professional name?

MISS CUNNINGHAM. That is correct.

MR. TAVENNER. What is your true name?

MISS CUNNINGHAM. My true name is Sarah Cunningham Randolph.

MR. TAVENNER. Will you tell the committee please what your principal stage credits have been?

Miss CUNNINGHAM. Well, let me see. Professionally I suppose the first thing I did was summer stock in Maine and in New York, and where I played a full season.

Mr. TAVENNER. In what plays were you in Maine and New York?

Miss CUNNINGHAM. Oh, dear, Kiss and Tell; Three Is a Family; Private Lives; Kind Lady; you know, the usual run of summer stock stuff.

Mr. BOUDIN. Mr. Chairman, I ask that no pictures be taken and you ordered that that be done, and now I have heard, and the committee has heard these clicks going on.

Chairman WALTER. I haven't noticed it.

Mr. BOUDIN. It has been perceptible to the average ear, and mine is worse than average. May I ask you to instruct the cameramen not to take pictures while my client is testifying?

Chairman WALTER. They know the rules.

Mr. BOUDIN. May I ask you to enforce it?

Chairman WALTER. I will enforce it.

Mr. TAVENNER. Have you also engaged in acting for Raphael Productions?

Miss CUNNINGHAM. Would you state that question again?

Mr. TAVENNER. Raphael Productions?

(Witness consulted with counsel.)

Mr. BOUDIN. Will you spell it?

Mr. TAVENNER. R-a-p-h-a-e-l P-r-o-d-u-c-t-i-o-n-s.

Mr. BOUDIN. You are confusing that with something.

Mr. TAVENNER. I think it is Rachael instead of Raphael. Does that clarify the matter?

Miss CUNNINGHAM. Yes, it certainly does, because I think that is the highlight of my career: it was when I was offered a lead in a play that was totally different from my tradition, and it was called The World of Sholem Aleichem, which was based on the writings of a famous Jewish writer who wrote in Yiddish.

Mr. TAVENNER. Who were the owners of that production, of that organization?

Miss CUNNINGHAM. I don't talk about people that I know, or don't know.

Mr. TAVENNER. I ask that the witness be directed to answer.

Chairman WALTER. I direct you to answer that question.

Miss CUNNINGHAM. All right, Mr. Walter, I will be glad to answer it, and I feel this is an infringement of my private life. Under the first amendment I am guaranteed the right of associations, or associate with whom I please, and under the fifth amendment I refuse also, and I invoke the privilege of the fifth amendment.

Chairman WALTER. You decline to answer the question for the reasons you have just stated?

Miss CUNNINGHAM. That is true.

Mr. TAVENNER. In what year were you engaged in The World of Sholem Aleichem?

Miss CUNNINGHAM. Let me see—I did a try-out production in the spring of 1953 and then it opened again in the fall of 1953, and we ran for 10 weeks into 1954.

Mr. TAVENNER. Was Morris Carnovsky an actor and producer in that play?

Miss CUNNINGHAM. I don't talk about people that I know or don't know, Mr. Tavenner.

Mr. TAVENNER. May I ask for a direction, please?

Chairman WALTER. I direct you to answer that question.

Miss CUNNINGHAM. Then I give the same answer based on the same answer that I gave before.

Mr. TAVENNER. Was Phoebe Brand also one of those engaged in the cast?

Miss CUNNINGHAM. I don't talk about people that I know or don't know, Mr. Tavenner, and if you want me to give the same reasons as before, Mr. Walter, I would be glad to. I invoke the fifth amendment.

Chairman WALTER. Do you decline to answer for the reasons that you give?

Miss CUNNINGHAM. That is right.

Mr. TAVENNER. Was Jack Gilford also one of those in the cast?

Miss CUNNINGHAM. I decline to answer based on the previous reasons that I have stated.

Mr. TAVENNER. Were you paid for your services?

Miss CUNNINGHAM. Yes, I was.

Mr. TAVENNER. Who paid you?

Miss CUNNINGHAM. I was under contract.

Mr. TAVENNER. Who paid you?

Miss CUNNINGHAM. The management.

Mr. TAVENNER. Who was the management?

Miss CUNNINGHAM. I think that you stated, Rachael Productions.

Mr. TAVENNER. By whom was the check signed in payment for your services?

Miss CUNNINGHAM. Well, I had better—I refuse to answer based on the fifth amendment.

Mr. SCHERER. I ask you to direct the witness to answer the question, Mr. Chairman.

Chairman WALTER. I direct you to answer that question.

Miss CUNNINGHAM. I decline to answer under the privilege of the fifth amendment.

Mr. TAVENNER. As an actress, I suppose you were a member of the American Federation of Television and Radio Artists.

Miss CUNNINGHAM. I was, and still am, because you have to be, if you intend to work in television and radio.

Mr. TAVENNER. Were you also a member of Actors Equity?

Miss CUNNINGHAM. That is my parent union, and I have been a member of Actors Equity.

Mr. TAVENNER. During what period of time were you a member of Actors Equity?

Miss CUNNINGHAM. Well, I think I got my first contract, as I said, professionally, in 1945.

Mr. TAVENNER. How long did your membership in Actors Equity continue?

Miss CUNNINGHAM. It continues to this day. I am paid up through November.

Mr. TAVENNER. I understood from your answer that there may be some question about your membership now in that organization.

Miss CUNNINGHAM. No, I said that I still am a member.

Mr. TAVENNER. Very well. Will you tell the committee, please, what knowledge you have, if any, of the existence within the Actors

Equity of a group of persons organized by the Communist Party as a Communist Party group?

MISS CUNNINGHAM. Do you really expect me to answer that question?

MR. TAVENNER. I am very much in hopes that you will answer it. I hope that you will have enough courage to tell the committee what you know about communism in the field in which you are a specialist.

MISS CUNNINGHAM. I see. Well, I would like to use my courage in the way that I feel it takes more courage, and that is to tell you that I do refuse to answer this question because my folks signed the Declaration of Independence, and they fought in the American Revolution and settled this country, in the early 1770's in the South, and the tradition of my family has been that we do not defy—I am sorry, would you strike that from the record?

Chairman WALTER. You can read it, it is here.

MISS CUNNINGHAM. What I am trying to say is, because this is what I consider a very foul question, that we do not talk about any of our associations. My mother taught me that I had the freedom to think as I pleased and to go where I pleased, and to talk with whom I pleased, and to have any friend that I wished, and that no one had the right to question me about it.

I believe that I am carrying out the tradition of my ancestors by saying that I refuse on the basis of the first amendment, and I invoke the privilege of the fifth amendment.

MR. TAVENNER. You are of the opinion then that your duty to remain silent is greater than any duty you may owe to your country to advise it of Communist Party activities which you may know about?

MISS CUNNINGHAM. I consider that the defense of the Constitution is my duty to my country.

MR. TAVENNER. You have spoken of your stage credits. What about your television credits?

MISS CUNNINGHAM. Well, you can put those in a thimble.

I played an amazon on Buck Rogers once, and I was the weepy girl on Rocky King, and I was on Treasury Man, and I played the Cabbage Woman, they called it, and there may have been one or two others which I don't remember. It has been a long time ago.

MR. TAVENNER. What are your credits in the field of radio?

MISS CUNNINGHAM. I have never done radio.

MR. TAVENNER. What was your last employment in television?

MISS CUNNINGHAM. Well, may I say to the best of my knowledge, perhaps T-Men.

MR. TAVENNER. What year was that?

MISS CUNNINGHAM. Let me see. I would have to look at my income tax records, and I don't know. I have a record of it, you know, and if you want me to go home and get it, you know.

MR. TAVENNER. Oh, no, I wouldn't ask you to do that.

Chairman WALTER. Just to the best of your recollection.

MISS CUNNINGHAM. I really couldn't tell, it was probably somewhere in 1950, or maybe 1949, or maybe 1951.

MR. TAVENNER. I understand you to state that you feel that your obligation to the Constitution is such that you cannot advise the committee regarding anything that the Communist Party may be endeavoring to do within your union. Am I correct in that?

Miss CUNNINGHAM. Is that an assumption, or what is it?

(Witness consulted with counsel.)

Mr. TAVENNER. Read the question, please.

(Whereupon the reporter read the pending question as above recorded.)

Miss CUNNINGHAM. You see, that is such a general question, and if you make a specific question, you know, I will endeavor to answer it.

Mr. WILLIS. I think he was trying to paraphrase your answer a little while ago.

Mr. TAVENNER. It is a repetition of her answer as I understood it.

You ask for a specific question, and I will ask you, have you been a member of the Communist Party during the period of time that you have been in Actors Equity, and in the American Federation of Television and Radio Artists?

Miss CUNNINGHAM. I refuse to answer that question. The fact that I am subpoenaed here is jeopardizing my career, and it incriminates me, and it smears me, and I refuse to answer on the basis of the previous grounds of the first amendment, and I invoke the privilege of the amendment designed to protect the innocent, the fifth amendment.

Mr. TAVENNER. It would smear you only in the event you were not a member of that group.

Miss CUNNINGHAM. I beg to differ with you.

Mr. TAVENNER. Are you a member of the Communist Party now?

Miss CUNNINGHAM. The answer as I have given it before, pertains, and I invoke the amendment designed to protect the innocent, the fifth amendment.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Chairman WALTER. Are there any other questions?

The witness is excused.

The committee will stand adjourned to meet at 10 o'clock tomorrow morning.

(Whereupon, at 4 p. m., August 15, 1955, the committee recessed to meet at 10 a. m., Tuesday, August 16, 1955.)

INVESTIGATION OF COMMUNIST ACTIVITIES, NEW YORK AREA—PART VI

(Entertainment)

TUESDAY, AUGUST 16, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
New York, N. Y.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10 a. m., pursuant to recess, in room 1703 of the Federal Building, Foley Square, New York, N. Y., Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Walter, Willis, and Scherer.

Staff members present: Frank S. Tavenner, Jr., counsel; Donald T. Appell and Frank Bonora, investigators; and Thomas W. Beale, Sr., chief clerk.

Chairman WALTER. The committee will come to order.

Mr. Tavenner, call your first witness.

Mr. TAVENNER. Mr. Elliott Sullivan, will you come forward, please?

His counsel is not here, and if you will bear with us just a moment, please.

Chairman WALTER. We will wait a few minutes.

(Whereupon, a short recess was taken by the committee.)

Chairman WALTER. Will you raise your right hand, please, Mr. Sullivan?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SULLIVAN. I do.

TESTIMONY OF ELLIOTT SULLIVAN, ACCOMPANIED BY HIS COUNSEL, BELLA S. ABZUG

Mr. TAVENNER. Will you state your name, please, sir?

Mr. SULLIVAN. Elliott Sullivan.

Mr. TAVENNER. Will counsel accompanying the witness please identify herself for the record?

Miss ABZUG. Bella S. Abzug, 205 West 34th Street, New York.

Mr. TAVENNER. When and where were you born, Mr. Sullivan?

Mr. SULLIVAN. San Antonio, Tex., July 4, 1907.

Mr. TAVENNER. Will you spell your name, please, sir?

Mr. SULLIVAN. E-l-l-i-o-t-t S-u-l-l-i-v-a-n.

Mr. TAVENNER. Where do you now reside?

Mr. SULLIVAN. New York City.

Mr. TAVENNER. At what address?

Mr. SULLIVAN. 2 Peter Cooper Road.

Mr. TAVENNER. How long have you been a resident of New York City?

Mr. SULLIVAN. On and off since 1929.

Mr. TAVENNER. Will you tell the committee please what your profession or occupation is?

Mr. SULLIVAN. I am an actor.

Mr. TAVENNER. How long have you been engaged in the field of acting?

Mr. SULLIVAN. 26 years approximately.

Mr. TAVENNER. Will you tell the committee please what your formal educational training has been?

Mr. SULLIVAN. I graduated from high school, and I had one semester in college.

Mr. TAVENNER. When did you take that semester in college?

Mr. SULLIVAN. In 1925, I believe.

Mr. TAVENNER. Did you serve for a period of time in the Armed Forces of the United States?

Mr. SULLIVAN. I did.

Mr. TAVENNER. Will you tell the committee during what period of time you served in the Armed Forces?

Mr. SULLIVAN. From 1943 to 1945.

Mr. TAVENNER. Prior to 1943, will you tell the committee what your acting or stage credits were?

Mr. SULLIVAN. I started in the professional theater in New York in 1929, and I was in a passion play, a play called *Lisistrata*; *First Mortgage*; *Red Rust*; *Green Grow the Lilacs*; and a few others that I cannot recall. In Hollywood I appeared in over 80 motion pictures.

Mr. TAVENNER. When did your work in Hollywood begin?

Mr. SULLIVAN. In 1937, I believe.

Mr. TAVENNER. Were you in Hollywood continuously for a period of years beginning in 1937?

Mr. SULLIVAN. I was.

Mr. TAVENNER. Will you tell us for how long a period?

Mr. SULLIVAN. Until 1943 when I was drafted into the Army.

Mr. TAVENNER. Will you give us your screen credits during that period of time?

Mr. SULLIVAN. I recall several.

Mr. TAVENNER. That is, the major ones.

Mr. SULLIVAN. *Kid Gallahad*; *They Won't Forget*; *Angels With Dirty Faces*; *Each Dawn I Die*; *Action in the North Atlantic*; *Slight Case of Murder*; *Wild Bill Hickok*; *Yankee Doodle Dandy*; *Bachelor Mother*; *Racket Buster*; *Trailer Romance*; *The Lady Gambles*; *So Young, So Fair*; *Guilty by Slander*; *Naked City*; *Winged Victory*, which was the Army Air Force show which I was in, and I was also in the play, and the movie.

Mr. TAVENNER. For what producers did you work in Hollywood?

Mr. SULLIVAN. All of the major producers.

Mr. TAVENNER. That brings you up then to the period of 1943 when you went into the Armed Forces?

Mr. SULLIVAN. Yes, it does.

Mr. TAVENNER. You became a member of the Armed Forces and you returned in 1945?

Mr. SULLIVAN. That is right.

Mr. TAVENNER. Did you return to the Hollywood area, or did you return to New York?

Mr. SULLIVAN. To New York.

Mr. TAVENNER. How did you become employed when you returned to New York?

Mr. SULLIVAN. In the theater.

Mr. TAVENNER. In the theater, on the stage?

Mr. SULLIVAN. That is right.

Mr. TAVENNER. Will you tell the committee please what your major stage credits have been since 1945?

Mr. SULLIVAN. I was in a play called Shooting Star; Skydrift; Brigadoon; The Victim; King of Friday's Men; and perhaps another one or two that I can't remember. And in all of this I got these jobs because of talent and ability and not because of my political reasons.

Mr. TAVENNER. What do you mean when you say "political reasons"?

Mr. SULLIVAN. What I mean by that is that I think that this committee has changed the qualifications for acting, and I think they have substituted good standards of talent and ability with some sort of a political test.

Mr. TAVENNER. What did you mean by "political" assistance to obtain employment?

Mr. SULLIVAN. That is exactly what I mean.

Mr. TAVENNER. Did you mean Communist Party influence when you used the word "political," because the term has been so generally used by certain witnesses when referring to the Communist Party, that I want to know whether that is what you were referring to?

Mr. SULLIVAN. That is part of what I am referring to, Mr. Tavenner, but I am also referring to the fact that many other kinds of political shades of opinion have also been denied employment in the industry.

If you look through Red Channels you will see a great number of names there of people who are obviously not Communist Party members, and who have been denied employment because of the blacklist that this committee has helped to create.

Mr. SCHERER. Pardon me a moment. Who in this publication of Red Channels is not a Communist?

Mr. SULLIVAN. I don't know for a fact who is, but there are names in there like Howard K. Smith, and I forget now, but there are a great number of names whom I am sure you know too who couldn't possibly be Communists.

Mr. SCHERER. Which ones in there are Communists?

Mr. SULLIVAN. How would I know? I don't know that.

Chairman WALTER. Do you know any of them who are Communists? (Witness consulted with counsel.)

Mr. SULLIVAN. I don't think that you have the right to ask me that question.

Mr. SCHERER. You volunteered the information.

Chairman WALTER. Just a moment. I direct you to answer that question.

Mr. SULLIVAN. I will answer it anyway, by saying that I challenge the right of this committee to ask me any question which has to do with my associations or with my thinking or with my personal beliefs and everything else that has to do with the first amendment.

Chairman WALTER. You were not asked about your beliefs at all, you were asked about your knowledge of certain people.

Mr. SULLIVAN. Well, it is obvious that this infers my beliefs, if you ask me if I know any of these people were Communist Party members.

Chairman WALTER. You said that you obtained your employment because of your ability and other things, and not because of your political beliefs. Do you mean by that that you got this employment not because you were a Communist, or in spite of the fact that you were a Communist? Is that what you mean?

Mr. SULLIVAN. It is obvious you are loading the question. I have given you my answer, and I don't think you have the right to ask me this question, sir.

Chairman WALTER. All right, then I direct you to answer that question.

(Witness consulted with counsel.)

Mr. SULLIVAN. What I said a moment ago was, that regardless of my political beliefs, I got these jobs, or this is what I meant to say.

Chairman WALTER. All right.

Mr. TAVENNER. What was the last stage credit that you referred to?

Mr. SULLIVAN. I believe it was, King of Friday's Men.

Mr. TAVENNER. When was that staged?

Mr. SULLIVAN. In 1952 or 1953, I am not sure.

Mr. TAVENNER. Have you continued on the stage since that time?

Mr. SULLIVAN. No, I have not.

Mr. TAVENNER. Will you tell the committee please what your television credits have been?

Mr. SULLIVAN. Well, I have been on almost every major dramatic program on the air. I was on Big Story three times; I was on the Philco program a number of times; Goodyear; Robert Montgomery show; Comedy Hour; Pulitzer Prize Theater; Jack Carson's show; and I have worked for all of the major networks in television.

Mr. TAVENNER. How are you now employed?

Mr. SULLIVAN. I am employed at Wingdale Lodge.

Mr. TAVENNER. What is Wingdale Lodge?

Mr. SULLIVAN. It is a summer resort.

Mr. TAVENNER. By whom is it operated?

Mr. SULLIVAN. By Mr. Ken Friedman.

Mr. TAVENNER. Is he the director or manager of it?

Mr. SULLIVAN. Yes, sir.

Mr. WILLIS. Where is Wingdale Lodge located?

Mr. SULLIVAN. In Wingdale, N. Y.

Mr. TAVENNER. Is that a summer camp for both adults and children?

Mr. SULLIVAN. It is a summer camp for adults that has a day camp for children for the accommodation of parents who have children.

Mr. TAVENNER. How are you employed at that camp?

Mr. SULLIVAN. I put on the shows there.

Mr. TAVENNER. How long have you been so employed?

Mr. SULLIVAN. Just for this summer.

Mr. TAVENNER. Have you been engaged in radio also?

Mr. SULLIVAN. Yes, I have.

Mr. TAVENNER. What credits do you have in that field?

Mr. SULLIVAN. Well I have only made about 75 radio shows over this period of time and I don't recall any specific ones.

Mr. TAVENNER. I will not ask you to go into detail, but what are some of your more recent appearances?

Mr. SULLIVAN. In radio?

Mr. TAVENNER. Yes.

Mr. SULLIVAN. I haven't appeared in radio in a number of years.

Mr. TAVENNER. What has been your most recent appearance in television?

Mr. SULLIVAN. On the Robert Q. Lewis show.

Mr. TAVENNER. When was that?

Mr. SULLIVAN. This last spring.

Mr. TAVENNER. I assume that having followed the profession that you have, both on the stage, and television and radio, it was necessary for you to become a member of various unions organized within those fields?

Mr. SULLIVAN. That is a correct assumption, yes.

Mr. TAVENNER. Which of the unions were you a member of?

(Witness consulted with counsel.)

Mr. SULLIVAN. Well, it is apparent, from the various aspects of the industry that I have been in, that I have to be a member of the various unions involved, and so it is a matter of public record but I do insist on challenging your right to ask me this question.

Mr. TAVENNER. May I have a direction?

Chairman WALTER. I direct you to answer the question.

Mr. SULLIVAN. I answer it in the way that I have before, that I believe you do not have the power to ask me questions regarding my associations.

Chairman WALTER. In view of the fact that the Supreme Court has handed down a rather decisive decision recently, I feel that it is my duty to warn you that you have taken an incorrect position and I again direct you to answer the question.

(Witness consulted with counsel.)

Mr. SULLIVAN. Well, it may be your opinion, Mr. Walter, that this is an incorrect position, but I am firmly convinced that the Bill of Rights was meant to mean what it says, and I insist on my right to challenge your right to ask me about my associations.

Mr. SCHERER. May I ask a question?

I understand you are not relying on the fifth amendment in refusing to answer the question asked you by Mr. Tavenner?

Mr. SULLIVAN. That is correct; but I don't want any inference from that.

Mr. SCHERER. I understand.

Mr. SULLIVAN. That I don't believe that the fifth amendment isn't one of the amendments in the Constitution.

Mr. SCHERER. But in refusing to answer this particular question of Mr. Tavenner, you are not relying on the fifth amendment.

Mr. SULLIVAN. I am not taking the position that I am refusing to answer this question, Mr. Scherer. I am answering it in this fashion. If you want to know specifically whether I am invoking my privilege under the fifth amendment, I am not.

Mr. SCHERER. That is all I want to know.

I think we should further say to this witness, at least it is the opinion of this member of the committee, that he is in contempt for refusing to answer this question.

Mr. WILLIS. I certainly concur in it.

Chairman WALTER. I don't think it makes any difference to him. So why tell him?

Mr. SULLIVAN. Of course it makes a difference to me, Mr. Walter, to be in contempt. Why do you say that?

Chairman WALTER. I was talking to Mr. Scherer.

Mr. SULLIVAN. I beg your pardon, I thought you were making a public statement and I thought it was in the record that it doesn't make any difference to me. Of course it makes a difference, and I have a wife and two children, and I am very anxious to work and this is a big waste of time as far as I am concerned. The harrassment that is involved in this is utter nonsense, and when you make a statement such as you don't think it makes any difference to me, I beg to differ with you very strongly about that. It makes a serious difference to my entire life, my appearance here, and I resent that remark.

Mr. TAVENNER. Mr. Sullivan, have you been active in the affairs of the American Federation of Television and Radio Artists?

(Witness consulted with counsel.)

Mr. SULLIVAN. Whether I have been active in my unions or not, again is a question which I believe to be an invasion of my personal right to associate with whom I please, and I will answer this question in this way but not under compulsion here.

Chairman WALTER. Just a moment, let us straighten this out.

Mr. SULLIVAN. That was a bad sentence, I agree.

Chairman WALTER. Now that we agree it is a bad sentence, let us go to something else.

Mr. SCHERER. I ask you to direct the witness to answer.

Chairman WALTER. He was about to answer it after he made that little speech, and he got off on the wrong foot, and now he is going to answer it.

Mr. SCHERER. Let us keep this record straight. Wait a minute, Mr. Tavenner.

Mr. TAVENNER. I don't believe the witness understands there has been a direction to answer. Maybe I misunderstood.

Mr. SCHERER. There has not been a direction.

Chairman WALTER. He started to answer the question and then got off on to something else. It was a bad sentence. Let us get around to this question. Have you been active in the affairs of your union?

Mr. SULLIVAN. Is that the question now?

Chairman WALTER. Wasn't that the question, Mr. Tavenner?

Mr. TAVENNER. Have you been active in the affairs of the American Federation of Television and Radio Artists?

Mr. SULLIVAN. Again, I respectfully submit that as far as I am concerned, I believe that that question invades my ability to associate with whom I please, and therefore I challenge your power to ask that question.

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer that question.

Chairman WALTER. I direct you to answer that question.

Mr. SULLIVAN. I do answer this question in the way I have just stated.

Chairman WALTER. All right. Is that your answer?

Mr. SULLIVAN. Yes, sir.

Mr. TAVENNER. Have you been active in the affairs of Actors Equity?

Mr. SULLIVAN. This is the same question again and I answer it in the same way.

Chairman WALTER. I direct you to answer that question.

(Witness consulted with counsel.)

Mr. SULLIVAN. Because I believe that the right to associate freely has been fought for and won in unions, I think that it would be my right or any other individual's right to associate with whom they please in unions, but I also believe as I have stated before, that this committee does not have the power to ask me questions relating to my associations.

Mr. SCHERER. You understand, Witness, that when the chairman directs you to answer a question, the committee is not accepting your answer and that is the reason for the direction to answer. Do you understand that?

Chairman WALTER. He understands, he is represented by counsel.

Mr. SULLIVAN. I don't know anything about the legalisms, and if this is what you mean, I suppose I will take it.

Miss ABZUG. The witness is giving his answers to the question.

Mr. SCHERER. The Supreme Court has said that it is the duty of this committee to say to the witness that we do not accept his answer, and it is the duty of this committee to inquire whether he understands what the direction of the chairman means, and that is the reason I made the statement.

Miss ABZUG. I can only say, Mr. Scherer, that there is no decision which holds that you do not accept an answer. You are raising a question as to whether he is answering the questions, and he is answering the question as he sees fit.

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Sullivan, the committee has received a great deal of evidence over a number of years that rank-and-file members, and those who are functionaries of the Communist Party are required by the Communist Party and expected by the Communist Party to take an active part in mass organization work.

Testimony has been received from a number of individuals that they have complied with that understanding and that directive by engaging in work of that type.

I want to ask you whether or not during the period of time that you have been a member of the American Federation of Television and Radio Artists and Actors Equity, whether you have been engaged in mass organization work of any character in response to advice or any understanding that you may have received from the Communist Party or its members.

Mr. SULLIVAN. If ever there was a loaded question, I just heard it, and I will repeat that the right of people to engage in union activity is one which I think by this time is inalienable, and I do not believe or rather I believe firmly that you do not have the power and the right to question me regarding my associations and my thought and my speech.

Mr. SCHERER. Again, Mr. Chairman, I ask you to direct the witness to answer the question.

Chairman WALTER. I direct you to answer the question.

Mr. SULLIVAN. I will answer the question by repeating that I challenge this committee's power because I believe its jurisdiction is limited, and I don't believe any branch of the Government can inquire into people's individual beliefs or opinions.

Chairman WALTER. Didn't you understand the question? Mr. TAVENNER wasn't asking you about beliefs or opinions. He was asking you about activities.

Mr. SULLIVAN. Well, as far as I am concerned, I don't know how one can separate activities from beliefs. No one acts without belief.

Mr. TAVENNER. Are you acquainted with Jerome Robbins?

Mr. SULLIVAN. Yes, I know him. I used to know him. I will amend that definitely, I used to know him.

Mr. TAVENNER. Did you know him between 1944 and 1947?

Mr. SULLIVAN. I don't know what dates.

Mr. TAVENNER. You said you "used to know him," when did you cease to know him?

Mr. SULLIVAN. I am not sure about that.

Mr. TAVENNER. When he testified before this committee, is that what you have reference to?

(Witness consulted with counsel.)

Mr. SULLIVAN. I am sorry; will you repeat the question?

Mr. TAVENNER. You said that you have ceased to know him, and I am asking whether the time you ceased to know him began at the time he testified before this committee?

Mr. SULLIVAN. I would say that that is the case; yes.

Mr. TAVENNER. Now, my next question is, did you know him between 1944 and 1947?

Mr. SULLIVAN. It is possible that I did; yes. I mean those dates, it is possible in those dates I did.

Mr. TAVENNER. Did you attend Communist Party meetings with him?

Mr. SULLIVAN. You are asking me again a question which is involving my associates and beliefs and I challenge your right to ask it.

Mr. TAVENNER. I am speaking of your action and your conduct, and I am not asking you about your beliefs.

Mr. SULLIVAN. Well, that is a matter of opinion, and I believe that you are asking me about my beliefs and this is why I answer this question in this way.

Mr. TAVENNER. Mr. Robbins testified before this committee that you were a member of the group of the Communist Party of which he was a member, and in order to identify the matter a little further, another person in that group identified by Mr. Robbins was Lloyd Gough, also Jerome Chodorov, and Edward Chodorov, according to the testimony that he gave before this committee in New York, in 1953.

Were you a member of a Communist Party group in 1947 in the city of New York?

Mr. SULLIVAN. Again I repeat that this question is outside of your power to ask and that is how I answer that.

Chairman WALTER. I direct you to answer that question.

Mr. SULLIVAN. Well, it is almost no longer a question of my rights, but of your lack of power to ask it, to ask questions regarding the tenets within the first amendment.

Mr. WILLIS. As you said earlier, that is the amendment you are relying on throughout your testimony. You are not invoking the privilege of the fifth amendment in giving testimony against yourself?

Mr. SULLIVAN. That is correct, sir.

Mr. WILLIS. And throughout your testimony we may assume that that is the case without repetition?

Mr. SULLIVAN. Yes, you may.

Mr. TAVENNER. You told the committee that you went to Hollywood in 1937. Did you become a member of the Communist Party soon after your arrival or at any early date after your arrival in California or at any time while you were in California?

Mr. SULLIVAN. Again I challenge your right to ask this question as I have stated before.

Chairman WALTER. I direct you to answer the question.

Mr. SULLIVAN. Well my answer again is along the same lines. I will not violate my rights although I believe you are trying to violate my rights.

Mr. TAVENNER. Did you become acquainted with Martin Berkeley in California?

Mr. SULLIVAN. I knew Martin Berkeley; yes.

Mr. TAVENNER. Mr. Martin Berkeley testified before this committee in 1951 and he described the difficulty that had arisen in the Communist Party in California which necessitated the bringing of V. J. Jerome, then the cultural secretary of the Communist Party in New York City to California to straighten it out, and Mr. Jerome picked Mr. Martin Berkeley for the performance of certain services in connection with that work. He described a faction meeting of the Communist Party which, he said, Elliott Sullivan attended. He is also known as Ely Sullivan. Upon being asked what his occupation was, his reply was that he is an actor.

Did you attend any faction meeting of the Communist Party which was attended by Mr. Martin Berkeley?

Mr. SULLIVAN. I will repeat my challenge to this committee that it does not have the right to ask me questions regarding my associations and I will say further that the long, tired list of men and women who have appeared before this committee who in my opinion have sold their honor and dignity and in fact the best traditions of American life for a mess of pottage, for a job, for a movie contract, I believe all of these people will be judged and are being judged today by the decent people in this country.

Mr. SCHERER. You are referring to the witness Berkeley, whose testimony Mr. Tavenner referred to, are you not?

Mr. SULLIVAN. I am referring to him along with others.

Mr. SCHERER. Along with others?

Mr. SULLIVAN. Yes.

Mr. SCHERER. Is anything that Mr. Berkeley told this committee under oath about you false? In other words, did he lie to this committee, Mr. Sullivan?

Mr. SULLIVAN. I will challenge your right to ask me that question, Mr. Scherer.

Chairman WALTER. Mr. Scherer's question is whether or not Mr. Berkeley's testimony was true or false.

(Witness consulted with counsel.)

Mr. SULLIVAN. I merely repeat what I have said before.

Mr. SCHERER. I ask you to direct the witness to answer the question.

Chairman WALTER. I direct you to answer the question.

Mr. SULLIVAN. What was the question?

Chairman WALTER. Was the testimony of Martin Berkeley, adduced by this committee, true or false?

Mr. SULLIVAN. I also believe that you do not have the right to ask me this question.

(Witness consulted with counsel.)

Mr. SULLIVAN. I do not believe that you have the power to ask me this question any more than you had the power at the time to ask him those questions.

Chairman WALTER. But we had the power and the authority to ask him those questions, and the only difference between you and Berkeley is that he answered them and you won't. That is the only difference.

Mr. SULLIVAN. I insist that I am answering your questions to the best of my ability.

Mr. SCHERER. Mr. Sullivan, you attacked Mr. Berkeley and I am saying this to you. He was under oath when he testified before this committee and you are under oath, and if you say to us now that the man whom you attacked lied about you, then I am going to ask that the testimony of Berkeley and your testimony be referred to the Department of Justice, and we can ascertain whether Berkeley lied. You have the opportunity now to say whether this man whom you attacked lied.

(Witness consulted with counsel.)

Mr. SCHERER. Here is your opportunity.

Mr. SULLIVAN. Because I am firm in my belief that you do not have the power to ask me any question regarding my associations, I will certainly not engage in any discussion with you under compulsion on this question.

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Will you tell the committee whether or not V. J. Jerome interposed in any activities of Communist Party groups in the city of New York to your knowledge?

Mr. SULLIVAN. I will again say that you are asking me questions that have to do with the area of freedom of speech and of association and I will answer that question in that way.

Mr. TAVENNER. May I have a direction?

Chairman WALTER. I direct you to answer that question.

(Witness consulted with counsel.)

Mr. SULLIVAN. I answer that in the same way, sir.

Mr. TAVENNER. Were you employed by the Federal Theater project?

Mr. SULLIVAN. No, sir.

Mr. TAVENNER. At any time?

Mr. SULLIVAN. No, sir.

Mr. TAVENNER. Were you acquainted with V. J. Jerome?

Mr. SULLIVAN. Again whether I was acquainted with V. J. Jerome or anyone else I believe is a question that invades my associations.

Mr. WILLIS. He volunteered acquaintanceship with other witnesses.

Chairman WALTER. I direct you to answer that question.

Mr. SULLIVAN. I answer it in the same way, sir.

Mr. TAVENNER. Were you acquainted with Mr. Lee J. Cobb?

Mr. SULLIVAN. Yes, I was.

Mr. TAVENNER. Where did you know him, in California, or New York, or both?

Mr. SULLIVAN. In California.

Mr. TAVENNER. Mr. Cobb testified before this committee that you and certain other persons were members of the same Communist Party group that he was a member of. Will you tell the committee whether or not you were a member of the Communist Party group of which Mr. Cobb was a member?

Mr. SULLIVAN. Mr. Cobb is among those on the shameful list of people who have given testimony——

Chairman WALTER. Let me get this straightened out. These people whom you have called shameful have made great contributions to the preservation of this Republic and these people have recognized the mistakes that they have made, and they have testified in closed and open session before this committee. I think they are deserving, and are receiving the credit from the vast majority of the American people.

Mr. SULLIVAN. Not from the papers I read, Mr. Walter.

Chairman WALTER. If you stop reading the Daily Worker, maybe you will find out the truth.

Mr. SULLIVAN. I beg your pardon?

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. SULLIVAN. Since you raised that point, I am talking about the many, many columnists and editorials in this country that have begun to denounce professional informers.

Chairman WALTER. You hope. Proceed, Mr. Tavenner.

Mr. TAVENNER. Were you acquainted with George Tyne, also known as Buddy Yarus, while you were in California?

Mr. SULLIVAN. I know Mr. Tyne, and I am not sure whether it was in California or here.

Mr. TAVENNER. Were you acquainted with Victor Killian?

Mr. SULLIVAN. Yes, I was.

Mr. TAVENNER. While you were in California?

Mr. SULLIVAN. Yes, I was.

Mr. TAVENNER. Were either or both of those persons members of the Communist Party group with you in California?

Mr. SULLIVAN. Again you are asking me a question which has to do with my associations, and I do not believe you have the power to do so.

Chairman WALTER. You say you did know this man Killian, is that correct?

Mr. SULLIVAN. Yes, I did know him.

Chairman WALTER. Did you know V. J. Jerome?

Mr. SULLIVAN. Well, whether I knew him or not I believe again is a question which I have raised before, and I have answered it.

Mr. TAVENNER. Will you tell the committee if you know what the Communist Party was endeavoring to accomplish in Hollywood within the moving picture industry at the time that you were there and at the time that you were a screen actor?

Mr. SULLIVAN. I take it that this question results from the stated purposes of this committee in its investigation in New York, in 1955?

Mr. TAVENNER. There doesn't seem to be as much distance between New York and Hollywood as geography would indicate.

Will you please answer the question?

Mr. SULLIVAN. Well time certainly indicates there is a lot of difference.

(Witness consulted with counsel.)

Mr. SULLIVAN. I insist that the question is not pertinent, and again I will say to you that I challenge your right, and I do not believe you have the power to ask me this question because it involves the individual guaranty under the Bill of Rights.

Mr. TAVENNER. Mr. Robbins in his testimony, which I referred to a moment ago, said that he was in a theatrical transient group of the Communist Party here in New York between 1944 and 1947. Will you tell the committee, if you know, what the Communist Party was endeavoring to do in the theater?

Mr. SULLIVAN. Well, whether I know or not, again I believe is in the area of private opinion and private thought, and I again say that I do not believe this committee has the power to invade that area with questions.

Mr. TAVENNER. Will you tell the committee what the Communist Party was endeavoring to do within the American Federation of Television and Radio Artists?

Mr. SULLIVAN. I again repeat my same answer.

Mr. TAVENNER. Mr. Sullivan, were you acquainted with Nicholas Bela?

Mr. SULLIVAN. Yes, I am ashamed to say that I have been.

Mr. TAVENNER. Are you ashamed to say that because he told this committee facts within his knowledge?

Mr. SULLIVAN. I am ashamed to say it because I believe he is one of those people, I know he is one of those people who has lost his dignity.

Mr. SCHERER. Is he one of those who testified so that he could get a job or some personal preferment?

Mr. SULLIVAN. There must be something at stake of that sort, for a man to lower himself to that extent.

Mr. SCHERER. You people talk about witnesses being smeared. You are smearing this man by claiming that he perjured himself for some personal advancement, isn't that what you are doing?

Mr. SULLIVAN. Well, the worse smear is a word which is used by people for different reasons.

Mr. SCHERER. You have smeared three witnesses who have testified before this committee.

Mr. SULLIVAN. I don't think I have. If I have smeared them, I don't think it is not merely that I am making this characterization of these people, but I believe many hundreds of thousands of people do.

Mr. SCHERER. Isn't it a fact that you have stated that they testified falsely and that is perjury, because of some personal advantage that they would get?

Mr. SULLIVAN. I don't think the ultimate outcome or I don't believe the ultimate judgment is going to be either yours or mine, Mr. Scherer, frankly, and I think it is going to depend upon what the American people feel about people like this.

Mr. SCHERER. That isn't my question. My question was, isn't it in effect that you have charged these people with perjury, and haven't you smeared these three former associates with you in the Communist Party?

Mr. SULLIVAN. I don't know what the definition of "perjury" is, but I do know what the definition is of an "informer."

Chairman WALTER. Did they testify falsely when they said that you were a member of a Communist group with them?

(Witness consulted with counsel.)

Mr. SULLIVAN. That isn't pertinent to my position, Mr. Walter, and I believe that you do not have the right to ask me this question.

Mr. SCHERER. I just think we should make it clear, Mr. Chairman, from time to time, who is smearing whom.

Chairman WALTER. I think it is perfectly obvious.

Mr. TAVENNER. Bela in the course of his testimony before this committee identified Elliott Sullivan, an actor, as a person known to him to be a member of the Communist Party.

Was his testimony true or false?

Mr. SULLIVAN. Again I repeat, sir, that this man has forsaken his conscience and has given testimony true or false for undignified reasons.

Mr. TAVENNER. My question is, was his testimony true or false?

Mr. SULLIVAN. I said regardless of what kind of testimony he gave, whether it was true or false, I believe that this man has forsaken his conscience.

Mr. TAVENNER. Was his testimony true or false?

Mr. SULLIVAN. I am not going to answer. I will answer that question by telling you again that the question is intended to determine what my beliefs are, and there is no power under this Government that can do that.

Mr. SCHERER. I ask you to direct the witness to answer.

Chairman WALTER. I direct you to answer that question.

Mr. SULLIVAN. I will tell you again, Mr. Walter, and as strongly as I know how, as a human being, that I do not believe that there is any branch of our Government that the very foundation of our Government, the rockbottom pinnacle, or whatever you want to call it, the basis of our democratic Government depends precisely on this very point, that people may not, or no branch of the Government may invade the individual rights of freedom of speech or association.

Chairman WALTER. Do you suppose that this subcommittee, with its distinguished counsel, who prosecuted Tojc in Japan, would ask a question if he thought it was an improper question? Now, you feel as strongly as you do about it, and I feel as strongly as I do about it, and there is only one way to find out, and I assure you that you will be given that opportunity if I have anything to do with it.

Mr. SULLIVAN. What are you implying, Mr. Walter?

Chairman WALTER. I am not implying anything, I am just indicating to you that in my judgment you are in contempt, and I will ask the subcommittee to recommend to the full committee that you be adjudged in contempt, and I will ask the Congress of the United States to pass on such a resolution. We can find out whether or not the arm of Government that is charged with the responsibility of protecting its citizens from subversives has a right to ask the kind of questions and the only questions which will throw light on the conspiracy that we believe you have been a party to.

Mr. SULLIVAN. Well, you are making an accusation, Mr. Walter.

Chairman WALTER. Well, were you?

Mr. SULLIVAN. I beg your pardon?

Chairman WALTER. I say have you been a member of the Communist conspiracy, or the Communist Party?

Mr. SULLIVAN. You don't have the right to ask me that question, because it is not a pertinent question, and it is a question that has to do again, as I say, with my personal beliefs, whether I was or I wasn't.

Miss ABZUG. I would like to suggest, Mr. Walter——

Chairman WALTER. You advise your client, and not me.

Proceed, Mr. Tavenner.

Mr. SULLIVAN. I want this straight for the record, that I am not a conspirator, and that I have committed no crime, and I believe that in your statement a moment ago that you made some sort of an inference to that effect, and I resent it.

Chairman WALTER. I didn't mean to make an inference, I was stating it as plainly as I could, that in my opinion you were a member of the Communist conspiracy.

Mr. SULLIVAN. Didn't you say I was going to have the opportunity? What is contained in a phrase like that, if there isn't some kind of an implied threat?

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Sullivan, you have not seen fit to deny or explain this testimony which very positively identified you as having been a member of the Communist Party. If that testimony be accepted as trustworthy, then during the period of time that you were a member of the American Federation of Television and Radio Artists, and during the time that you were a member of the Actors Equity, you were in a position to know what Communist Party activities were going on, if any were going on, within those organizations.

What were the activities of the Communist Party within those groups?

Mr. SULLIVAN. I will tell you again, and I respectfully submit that I do not believe that you have the power to ask me such a question, because it has to do with my associations, and if this is true there would be no reason why you wouldn't be able to ask me about my religion, and about many other kinds of things.

Chairman WALTER. I direct you to answer the question, Mr. Sullivan.

Mr. SULLIVAN. I answer that question by telling you that I do not believe that you have the power to inquire into personal and private affairs of individuals and I want to say furthermore——

Mr. TAVENNER. Therefore do you refuse to answer the question?

Mr. SULLIVAN. I am not refusing to answer the question.

Mr. TAVENNER. Then answer it.

Mr. SULLIVAN. I did answer it.

Mr. TAVENNER. No: you are explaining, and you are endeavoring to avoid answering the question.

Mr. SULLIVAN. Well, it is a matter of opinion.

Mr. TAVENNER. Then let me rephrase the question, and put it more directly.

Did you ever attend a caucus meeting of members of the Communist Party within the American Federation of Television and Radio Artists?

Mr. SULLIVAN. My answer to that question is that I do not believe you have the power to ask me.

Mr. TAVENNER. And therefore you won't answer.

May I ask for a direction?

Chairman WALTER. I direct you to answer the question.

(Witness consulted with counsel.)

Mr. SULLIVAN. I state again that I believe that this committee does not have the right under the first amendment to ask me questions which I believe violate my own personal thinking on this matter, the matter of association.

Mr. TAVENNER. I have before me a photostatic copy of the July 31, 1952 issue of the Daily Worker, which shows an advertisement under the auspices of the National Council of Arts, Sciences, and Professions. There was a meeting referred to as Peace and Presidential Candidates. Those engaging in the program, or among those engaged were Howard DaSilva, Morris Carnovsky, and Elliott Sullivan. Do you recall the occasion?

Mr. SULLIVAN. I do not, no.

(A document was handed to the witness.)

Mr. TAVENNER. Will you examine the document, please, and state whether in the performance of your part of that program you were carrying out a Communist Party function?

(Witness consulted with counsel.)

Mr. SULLIVAN. Was your question whether or not I remembered this now?

Mr. TAVENNER. No; my question was if that advertisement refreshed your recollection, would you tell the committee please whether while engaged in that program you were carrying out what you considered to be a Communist Party function?

Mr. SULLIVAN. I remember being present on this occasion here, and I have certainly no recollection of having carried out any Communist Party ideas or whatever it was you said, and despite that however, I still do not believe that you have the right to ask me this question.

Mr. TAVENNER. I have before me a copy of the May 5, 1947 issue of the Daily Worker, advertising a Carnival-Bazaar, under the auspices of the National Council of American-Soviet Friendship, in which Phil Leeds, Elliott Sullivan, George Keane, and others took part.

Will you examine the document, please, and state whether or not in that instance you were carrying out a Communist Party function?

(A document was handed to the witness.)

(Witness consulted with counsel.)

Chairman WALTER. The committee will stand in recess for 10 minutes.

(A brief recess was thereupon taken by the committee.)

Chairman WALTER. The committee will be in order.

Mr. TAVENNER. Was there a question pending?

(Whereupon the reporter read the pending question as above recorded.)

Mr. SULLIVAN. In answer to this question, all of these questions which you have been asking me, and which I assume you will be asking me, are in the area of my associations, of where I entertained, and what I do as an individual, and I will say now, as I have all morning been answering these questions, that I will answer all of these questions in the same way. That is to say that my understanding of

this form of government and our democracy is that this committee or any other committee like it, has the right or the power to ask me such questions.

Mr. TAVENNER. May I have a direction?

Chairman WALTER. I direct you to answer that question.

Mr. TAVENNER. The committee does not accept your reason for your refusal to answer, and you are now being directed to answer the question.

Mr. SULLIVAN. I don't take the position that I am refusing to answer your questions. I am taking the position that I am answering your questions to the very best of my ability and my answer to the directed question is again that I do not believe that this committee has the right and the power and that it should not assume such right to ask me questions which are enunciated under the first amendment of the Bill of Rights.

Chairman WALTER. Because you believe that we have no authority to ask these questions, you decline to answer them, is that right?

Mr. SULLIVAN. I am not declining to answer, Mr. Walter. I am answering.

Mr. SCHERER. Obviously the witness is declining to answer, and just giving reasons for refusal to answer.

Mr. TAVENNER. It is a statement by the witness which is not a factual reply to anything that I have asked.

Chairman WALTER. That is right. Go ahead and ask another question.

Mr. TAVENNER. The National Council of American-Soviet Friendship under the auspices of which this entertainment was conducted has been cited as a Communist-front organization, and as I mentioned to you in the early part of your testimony, numerous witnesses have told us that it was part of the function and duty of the Communist Party members to assist mass organizations which are considered front organizations.

I want to ask you whether or not in addition to your performing this service for the National Council of American-Soviet Friendship you were in any way affiliated with it.

Mr. SULLIVAN. I have tried to make clear as firmly as I know how that this question is one of those which falls into the area of free association and free beliefs.

Mr. TAVENNER. Do you know the purposes for which the money to be derived by the National Council of American-Soviet Friendship was to be used, that is the money from this particular benefit?

Mr. SULLIVAN. Whether I know or not, again I do not believe you have the right to ask me this question.

Mr. TAVENNER. Did you receive any compensation for your services to the National Council of American-Soviet Friendship in this performance?

(Witness consulted with counsel.)

Mr. SULLIVAN. In this instance I don't recall whether I received any compensation or not, and despite this fact, however, I again repeat the same answer that I have been trying to give you all morning.

Mr. TAVENNER. Did you ever receive compensation from the National Council of American-Soviet Friendship for any services performed by you for it?

Mr. SULLIVAN. Again I say that whether I did or not is one of those kinds of questions which invades my private affairs and my ability to associate with whom I please and entertain where I please, and say what I please.

Mr. TAVENNER. I have before me a photostatic copy of an excerpt from the October 6, 1949, issue of the Daily Worker which states "You play an important part in the Case of the Loaded Mike, with Jack Gilford, Elliott Sullivan, and certain other persons," produced by Voice of Freedom Radio Division, NCASP, which is the National Council of the Arts, Sciences and Professions, Committee for the Negro in the Arts.

Will you examine it please and state whether or not you recall that you took part in that program?

Mr. SULLIVAN. Mr. Tavenner, I don't want to examine it.

Mr. TAVENNER. Do you recall it without examining it?

Mr. SULLIVAN. I recall having appeared to entertain on a number of occasions in 26 years, in many, many different areas, for many, many different causes and reasons.

Chairman WALTER. Do you remember that particular occasion?

Mr. SULLIVAN. My basic point here is that I do not believe—

Mr. TAVENNER. Let us be specific.

Mr. SULLIVAN. You don't have the right to inquire into my personal behavior, and this is what I am trying to make very clear, that I believe it is beyond the function of this committee, and I believe that it is beyond the recognized limitations of its investigative function.

Mr. TAVENNER. The Committee for the Negro in the Arts is an organization which has been cited by the Attorney General of the United States as subversive, and I want to ask you to state under what circumstances you were induced or submitted your efforts in its behalf or contributed your efforts in its behalf.

Mr. SULLIVAN. As I remember the stated purposes of the Committee for the Negro in the Arts, it was to the effect that they attempted to get jobs for Negro artists and was successful to a certain extent in doing so, and in giving auditions for Negro artists and having concerts and in making it possible for Negro artists to obtain jobs.

I was very happy and proud to help in this effort, but I again repeat that I do not believe that you have the power to ask me questions about my associations.

Mr. TAVENNER. You have stated very emphatically that it was the stated purpose of this organization to do certain very laudable things. What other purposes were there for the organization of this group?

Mr. SULLIVAN. I don't know of any other purposes, Mr. Tavenner.

Mr. TAVENNER. You are aware of the fact that it has been cited by the Attorney General and is on his subversive list; are you not?

Mr. SULLIVAN. I have read that list many times, that long list of organizations that have been cited, yes. I am aware of it.

Mr. TAVENNER. Were you a member of the Committee for the Negro in the Arts?

Mr. SULLIVAN. It is possible that I may have been a member of it. I am not sure, but again I insist that you don't have the right to ask whether I was or not.

Mr. TAVENNER. Were your services contributed to that organization as a result of what you considered to be your duty as a member of the Communist Party?

Mr. SULLIVAN. The question has a great deal of inference in it, and I again repeat to you that you are asking me a question that has to do with my personal beliefs, and I will repeat that I do not believe that you have the power to do so.

Mr. TAVENNER. You said that I have made an inference. I haven't made an inference at all. I have reviewed testimony of numerous witnesses stating that you were a member of the Communist Party. You have not seen fit to deny it or to explain it. You have remained mute on that subject, and there is no inference that can be drawn other than the fact that you were a member of the Communist Party.

Mr. SULLIVAN. Well, that is your inference and you are welcome to it, but I don't happen to agree that that is true.

Mr. TAVENNER. It is not true that you were a member of the Communist Party?

Mr. SULLIVAN. I didn't say that; I said that it is not true that your definition of that inference—I don't agree with that; that is what I am saying.

Mr. TAVENNER. I shouldn't have used the term "inference"; it is a conclusion.

Mr. SULLIVAN. Simply because you ask a number of questions and I am answering them to the best of my ability, based on what I believe to be in the best interests of furthering the Bill of Rights, I don't think that you have the right to infer from this that my denial or acquiescence to the question has any inference to it.

Chairman WALTER. I think there is a misunderstanding here. It was not the inference that was drawn from your failure to answer questions, but because of the sworn testimony of a number of people concerning your Communist activities.

Mr. SULLIVAN. Mr. Walter, I don't have any respect for the sworn testimony of informers.

Chairman WALTER. Whether you have or you have not, there it is, and these are reputable people in the profession.

Mr. SULLIVAN. They are reputable in some people's eyes, but not in mine.

Chairman WALTER. I can understand that, too.

Proceed, Mr. Tavenner.

Mr. TAVENNER. You have told the committee that you are a director at a summer camp. What is the name of that camp again?

Mr. SULLIVAN. Wingdale Lodge.

Mr. TAVENNER. Where is it located?

Mr. SULLIVAN. In Wingdale, N. Y.

Mr. SCHERER. Whom did you say was the director of that camp?

Mr. SULLIVAN. Mr. Friedman.

Mr. SCHERER. What is his first name?

Mr. SULLIVAN. Kenneth.

Mr. SCHERER. Wasn't he the director of Camp Wyandotte last year?

Mr. SULLIVAN. He may have been.

Mr. SCHERER. You know that as a matter of fact, do you not?

Mr. SULLIVAN. I don't know for sure whether he was or not, and I heard that he was.

Mr. SCHERER. Camp Wyandotte is the camp that was closed by the State of New York for subversive activities, was it not?

Mr. SULLIVAN. Is this part of the stated purposes of this committee, Mr. Scherer, really in 1955, to find out what is going on in the theater here, as to whether a camp was closed by the State or not?

Mr. SCHERER. I am asking you the question. Is that not a fact? You know that to be a fact, do you not?

Mr. SULLIVAN. Don't put words into my mouth.

Chairman WALTER. Do you or don't you? Do you know whether that camp was closed by the State of New York?

Mr. SULLIVAN. I don't know that for a fact, whether it was or not. I know that there has been some investigations around with these camps, but that is all I know about it.

Mr. SCHERER. You haven't heard that fact, that Wyandotte was closed?

Mr. SULLIVAN. I may have, and I am not denying that I haven't heard it, and I am merely saying I don't know it now for a fact, and I can't tell you for a fact.

Mr. SCHERER. You have discussed it with Ken Friedman, have you not?

Mr. SULLIVAN. I discussed what with Friedman?

Mr. SCHERER. The closing of Wyandotte, and the investigation.

Mr. SULLIVAN. I don't recall any discussions I have had with him about this.

Mr. SCHERER. Do you deny that you had any discussions with Friedman?

Mr. SULLIVAN. I am saying I do not recall ever having any discussions with him.

Mr. SCHERER. You don't deny that you did have discussions, though?

Mr. SULLIVAN. Are you insisting on the answer to that question, Mr. Scherer?

Mr. SCHERER. Yes.

Mr. SULLIVAN. I just answered it a moment ago, and why are you repeating it again?

Mr. SCHERER. Evidently the question hurt.

Mr. TAVENNER. Was Camp Wingdale known by any other name?

Mr. SULLIVAN. Wingdale Lodge, are you referring to?

Mr. TAVENNER. Yes.

Mr. SULLIVAN. It had been known as Camp Unity before this.

Mr. TAVENNER. Is that one of the camps upon which a considerable mortgage was held by the IWO and which in the proceedings brought by the State of New York, the mortgage was assigned to the State of New York?

Mr. SULLIVAN. I am an employee at Wingdale Lodge this summer. I happen to know that this used to be a camp known as Camp Unity, and this is all I know about it.

Mr. TAVENNER. Is it the same camp that was involved in the proceedings brought by the State of New York against the IWO?

Mr. SULLIVAN. I don't know.

Mr. TAVENNER. Have you heard that it was the same camp from any of the operators or any other persons connected with the camp?

Mr. SULLIVAN. I did not.

Mr. TAVENNER. The committee has seen an advertisement of a program put on by you at this camp this summer in which Lloyd Gough was one of the performers. Is the advertisement correct in stating

that he was engaged in the entertainment work with you at this camp on one occasion?

Mr. SULLIVAN. That is correct.

Mr. TAVENNER. Is this the same Lloyd Gough with whom you became acquainted in California?

Mr. SULLIVAN. I don't know where I became acquainted with Lloyd Gough, and I believe it was in New York.

Mr. TAVENNER. You told us earlier in your testimony that you were acquainted with Lloyd Gough in California.

Mr. SULLIVAN. I was acquainted with him there, and I thought that your question was where I had first met him.

Mr. TAVENNER. I understand. But you did know Mr. Lloyd Gough while you were in California?

Mr. SULLIVAN. Yes.

Mr. TAVENNER. Did you select him for this entertainment?

Mr. SULLIVAN. I recommended him as one of a number of people that could be hired for this job.

Mr. TAVENNER. Were you influenced in that decision by your Communist Party association with him in California?

Mr. SULLIVAN. I was influenced by selecting him because he is a very fine entertainer and he sings delightfully funny songs, and I thought it would please the audience at Wingdale Lodge, and this is why he was selected, and this is why all of the entertainers at Wingdale Lodge are selected, because of their ability, and talent to perform, and they don't have to pass any political test or have to know anybody to get the job there.

Mr. TAVENNER. Again you have used the phrase, "passing a political test."

Mr. SULLIVAN. Because you a moment ago asked me whether or not he had to pass some sort of a political test which you enunciated, and I am telling you very firmly that he was chosen because of his talent to perform, as are all of the people there.

Mr. TAVENNER. The testimony has shown here, which you have not denied, and which you have refused to answer any question about it, that you and Lloyd Gough were members of the same group of the Communist Party in California. We find the two of you together in an entertainment project at this particular camp, Camp Wingdale, in New York State.

Mr. SULLIVAN. It almost sounds like a mystery novel, doesn't it?

Mr. TAVENNER. We want to know the facts.

Chairman WALTER. It is not a mystery to us, but it may be to you.

Mr. SULLIVAN. What do you want me to say to this? I have known hundreds of entertainers for the past 26 years, of all shades of political opinion, and it has never been a question as to a person's politics as to their ability to perform. If you spent a little more time around the theater, I think that you would discover that.

Mr. TAVENNER. As the director of the camp, the responsibility of hiring those who take part in their entertainment is yours, is it not?

Mr. SULLIVAN. In the first place, I am not the director of the camp. I am the director of the stage shows there.

Mr. TAVENNER. You are director of the entertainment there, are you not?

Mr. SULLIVAN. That is right. It is different from being the director of the camp.

Mr. TAVENNER. Yes, and if I said that, I didn't mean to say it.

Mr. SULLIVAN. As such I do recommend people for jobs there, and the manager hires them, if he feels my recommendations are O. K.

Mr. TAVENNER. Have you used Jack Gilford in any of the entertainments you have conducted there?

Mr. SULLIVAN. I certainly did. He is one of the finest comedians in America.

Mr. TAVENNER. And Pete Seeger?

Mr. SULLIVAN. I did, and a great singer.

Mr. TAVENNER. The committee is informed that during the July weekend you took part in a skit involving a dialog regarding a copy of the Bill of Rights. According to the committee's information, it consisted of only a few lines. You are represented as coming on the stage, and saying "Want to buy a copy of the Bill of Rights?"

Another individual says "How much?"

And you say "Two bucks".

The man says "I will take it for a dollar."

Then each of you go through the act of passing money and paper and arresting each other.

Was that not a very unusual type of a skit to present to a summer camp? What was the purpose of it?

Mr. SULLIVAN. The purpose was to entertain an audience there by satirizing a condition which exists in this country today, and I believe the best musical theater of the past has always been the kind which has satirized current events. In my estimation this sketch falls into that category. The fact that you are asking me about a 2-minute sketch that takes place 80 miles away from New York would lead me to believe that there is some censorship notions about your raising the question. Is it your province to examine material that goes on the stage anywhere, and to comment on it in such a way that it may discourage people from making comments about things that go on today?

This again seems to me to be contrary to the stated purposes of this committee, and it very clearly indicates what I have said in my statement here that this committee encourages censorship, and it encourages fear to produce this kind of material. In my estimation this is as good a piece of American theater as you could possibly get. It presents two men who are selling the Bill of Rights to each other, and then the minute each of them buy it, they disclose themselves as being members of the FBI, or some other Government agency, and they arrest each other. Of course, this is exaggerated, but such is the nature of humor on the stage. However, it is not terribly exaggerated when you consider the fact that a newspaper reporter some time ago attempted to get signatures to the very Bill of Rights itself, and out of 125 people, I believe, he succeeded in getting one signature, and the rest were afraid to sign it or considered him to be some sort of a subversive, as several of them actually said.

On another occasion in California, some years ago, a man attempted to read the Bill of Rights on a soap box in an open square there, and he was arrested for doing so.

Mr. TAVENNER. But he wasn't arrested for reading the Bill of Rights, he was arrested for some violation of a local statute in appearing there.

Mr. SULLIVAN. What violation was that?

Mr. TAVENNER. I don't know, but certainly it was not for reading the Bill of Rights.

Mr. SULLIVAN. Are you sure that was it?

Mr. TAVENNER. But you don't know, and you are not sure.

Mr. SULLIVAN. This is what was said in the papers, and while I don't always believe what is said in the papers, I believed this. I believed at least that it was possible, that is what I mean. That is this condition in this country and there is no use denying it, everybody knows it, and people are afraid to sign petitions, and people are afraid to do things because this committee has helped to create this kind of an atmosphere.

Mr. SCHERER. My experience is just the opposite. People are willing to sign any kind of petition, and we get them every day in Congress, hundreds of petitions. Many people don't know what they are signing.

Mr. SULLIVAN. You mean that you are getting more signatures today on petitions than you did in the past? Is that what you are saying?

Mr. SCHERER. I am saying that we get petitions every day in Congress.

Mr. SULLIVAN. I didn't say that there isn't anyone in the country who is afraid, or every one is afraid, I said more and more people are, Mr. Scherer.

Chairman WALTER. If I understand what you mean then, I feel that this committee has really accomplished something.

Mr. SULLIVAN. It is a matter of opinion, Mr. Walter, whether the committee has accomplished anything or not. I think it has accomplished a good deal in the area of creating intimidation and helping to further the blacklist, and now an example of the encouragement toward censorship. The theater has always fought censorship in every form.

Chairman WALTER. So have all of us.

Go ahead, Mr. Tavenner.

Mr. TAVENNER. You have not come to the point about this skit at all. What was the idea in having the skit represent the sale of the Bill of Rights for \$2, and then settling for half price? Isn't that a form of ridicule of the Bill of Rights, and if so, what was the purpose of it?

Mr. SULLIVAN. You are taking a couple of words or lines out of the context of the sketch, and attempting to make it appear that I had the purpose of subverting the Bill of Rights. I insist that I believe that I am a stancher defender of the Bill of Rights than you are in our relationship at this moment. And the very asking of the question to me indicates as I said before, very clearly that there is an attempt here at censorship of some sort, all through —

Mr. SCHERER. We are trying to find out how far the Communist conspiracy has succeeded in its infiltration.

Mr. SULLIVAN. All through the Berkshires, and through the forests around Wingdale Lodge, and all over the place.

Chairman WALTER. How do you suppose that we knew of this skit?

Mr. SULLIVAN. I gather that you knew of the skit from the testimony in Washington that was read to me, and you enunciated and you enumerated that there were 10 numbers, and apparently most of the notes that were taken were fairly accurate, and I assume that the way

you knew about this is that you purposely sent someone up there on July Fourth weekend to do this job.

Chairman WALTER. No, we found out because a number of people who were at the show at this place were shocked at what you and others did in an attempt to discredit this form of government.

Mr. SULLIVAN. Isn't it interesting, Mr. Walter, that after the show was over a number of people who were shocked by one sketch were able to report so accurately about the whole show? Would you be able to do that, frankly?

Chairman WALTER. Surely.

Mr. SULLIVAN. You could tell me there were 10 numbers in the show, and you could remember specific lines, and songs and so forth, and is that so? I doubt it sir.

Mr. SCHERER. They heard your show the night before.

Mr. SULLIVAN. I wonder who it was in the audience that did all of the laughing, then, at the show?

Chairman WALTER. I have my ideas about that, too.

Mr. SULLIVAN. I have my idea, too.

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. SULLIVAN. Your inference again, Mr. Tavenner, is that somehow the presentation of this sketch was an attempt on my part to subvert the Bill of Rights, and I insist again that I think that this is a method of alerting people to the preciousness of the Bill of Rights and how important it is to all of us.

Mr. TAVENNER. We were wondering but what it may be an effort on the part of the Communist Party itself to create fear in bringing up the question of the Bill of Rights in such a manner as this. This is to depreciate its value.

Mr. SULLIVAN. Well apart from these few people who apparently didn't enjoy it, the rest of the audience howled with such laughter that it would be curious——

Mr. TAVENNER. You think that it had no Communist Party barb stuck in it?

Mr. SULLIVAN. Of course not.

Mr. TAVENNER. Who wrote the skit, did you?

Mr. SULLIVAN. I don't know who wrote the skit.

Mr. TAVENNER. Wasn't it your idea?

Mr. SULLIVAN. No, this is a sketch which has been done around, I believe. When we do sketches and put a show together, we talk over material, and one fellow who has been around other places has an idea for something, and slowly build a show by talking over various kinds of material.

Mr. TAVENNER. Was it your idea to put that skit on, or did you obtain it from someone else that evening?

Mr. SULLIVAN. It may have been my idea, and I have a big file full of notes and material of all kinds, and I can't answer that question accurately, and I am not sure exactly how the sketch came about. But again what relevance does this have, Mr. Tavenner? That is whether it was my idea or someone else's idea as to whether this is subverting our country or not. I don't believe it is. And I don't believe you believe it is.

Mr. TAVENNER. It is very important, if it is an evidence of Communist Party influence, on your part, it is very important.

That is, after having developed your opportunity for knowledge, I want to ask you again to tell this committee all you know about Communist Party activities within any group within the American Federation of Television and Radio Artists.

Mr. SULLIVAN. I have told you before what my answer is to a question like that. I believe you are invading my personal beliefs and that is my answer, and my associations, and that is my answer to your question, and it will continue to be my answer to any question that falls within that area.

Mr. TAVENNER. I want to ask you what knowledge you have of any Communist Party activities at Wingdale Lodge.

Mr. SULLIVAN. I have no knowledge whatsoever of any Communist Party activities at Wingdale Lodge.

Mr. TAVENNER. Not at the lodge; but you won't answer as to the American Federation of Television and Radio Artists?

Mr. SULLIVAN. Is that a question or a statement.

Mr. TAVENNER. It is an observation.

I have no further questions, Mr. Chairman.

Chairman WALTER. Are there any questions?

Mr. SULLIVAN. I have a statement, Mr. Walter, that I would like to read.

Chairman WALTER. Just a moment.

Mr. SULLIVAN. May I read this, Mr. Walter?

Chairman WALTER. We will put it in the record if it is relevant.

Mr. Sullivan, are you now a member of the Communist Party?

Mr. SULLIVAN. Mr. Walter, I don't believe that you have the right to ask me any question having to do with my personal beliefs or associations.

Mr. SCHERER. I ask you to direct the witness, Mr. Chairman.

Chairman WALTER. I direct you to answer the question.

Are you a member of the Communist Party?

Mr. SULLIVAN. I will tell you again, I answer that question by saying that I do not believe, or I challenge the right of this committee to ask such a question.

Chairman WALTER. The witness is excused.

The committee will stand in recess until 2 o'clock.

(Whereupon the committee recessed at 12:15 p. m. to reconvene at 2 p. m., the same day.)

AFTERNOON SESSION—AUGUST 16, 1955

Chairman WALTER. The committee will be in order.

Call your witness, please, Mr. Tavenner.

Mr. TAVENNER. Mr. Lee Hays, will you come forward, please?

Chairman WALTER. Will you raise your right hand, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HAYS. I do.

TESTIMONY OF LEE HAYS, ACCOMPANIED BY HIS COUNSEL, PAUL L. ROSS

Chairman WALTER. Be seated, please.

Mr. TAVENNER. Are you Mr. Lee Hays?

Mr. HAYS. That is right.

Mr. TAVENNER. Will you spell your name, please, sir?

Mr. HAYS. L-e-e H-a-y-s.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. ROSS. Paul L. Ross, 160 Broadway, New York City.

Mr. TAVENNER. When and where were you born, Mr. Hays?

Mr. HAYS. March 1914, Little Rock, Ark.

Mr. TAVENNER. Where do you now reside?

Mr. HAYS. Eleven Cranberry Street, Brooklyn.

Mr. TAVENNER. How long have you lived in the Borough of Brooklyn?

Mr. HAYS. About 4 years.

Mr. TAVENNER. Prior to that time, where did you reside?

Mr. HAYS. I resided in various places in New York City. I believe the previous address, before I moved to Brooklyn, was 52 Spring Street, perhaps, and various other addresses going back to 1940.

Mr. TAVENNER. Do you mean that you were a resident of the city of New York, or the immediate area, from 1940 on?

Mr. HAYS. On and off from about 1940.

Mr. TAVENNER. You say on and off—what period of time did you exclude?

Mr. HAYS. Well, I suppose I was always a legal resident, and I was travelling a great deal, and sometimes for a year or 6 months at a time.

Mr. TAVENNER. What is your profession?

Mr. HAYS. Folk singer.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. HAYS. I attended grade school and high school in Arkansas and Georgia. I never got a college degree because of the occurrence of the depression at that time. I think that I will have to claim to be a self-educated man through reading and study.

Mr. TAVENNER. How long have you been engaged professionally as a folk singer?

Mr. HAYS. I think that to be a professional folk singer one has to be paid for singing, and I sang for fun for a great many years, and I was quite surprised when people started to pay me for singing. I don't know exactly what years that would have been, probably as early as 1934 or 1935.

Mr. TAVENNER. What I am interested in is to know when you began making your living that way, if that is the source of your living.

Mr. HAYS. The period in which my living could be said to be complete, or most productive, began with me in about late 1949 or early 1950, and lasted for 2 or 3 years, when I was a member of a folk singing group.

Mr. TAVENNER. What group was that?

Mr. HAYS. I was a member of a folk-singing group called The Weavers.

Mr. TAVENNER. Who are the other members of that group?

Mr. HAYS. The members of the group were myself; Ronnie Gilbert, alto; Mr. Peter Seeger, tenor; Mr. Fred Hellerman, baritone; and I was the bass.

Mr. TAVENNER. During that period of time, did you hold an official position in any other musical group?

Mr. HAYS. What period of time is this?

Mr. TAVENNER. During the period of time that you were with the group you have just described.

Mr. HAYS. Would you please let me know what you would mean by "an official position"?

Mr. TAVENNER. Were you connected in any way with People's Songs?

(Witness consulted with counsel.)

Mr. TAVENNER. I mean in an official way.

Mr. HAYS. I am not aware that People's Songs was in existence during this period that the Weavers were in existence.

Mr. TAVENNER. During that period of time were you connected with the Weavers?

Mr. HAYS. As I said, it was 1949 through 1952, or early 1953. I may be wrong on those dates, but that is the best of my recollection.

Mr. TAVENNER. You say that you do not believe that the People's Songs was in existence during that period of time?

Mr. HAYS. It is the best of my recollection that it was not.

Mr. TAVENNER. During what period was it in existence?

Mr. HAYS. I think in 1946, 1947, and 1948 there was an organization called People's Songs.

Mr. TAVENNER. Were you connected with it during that period in an official capacity?

Mr. TAVENNER. What does a question like that have to do with the nature of this present inquiry into the theater in New York City?

Chairman WALTER. If you will answer the question, it will become apparent.

Proceed, Mr. Tavenner.

Mr. TAVENNER. May I ask that the witness answer the question?

(Witness consulted with counsel.)

Mr. HAYS. To questions like this, I am going to assert my privilege under the fifth amendment because I do not believe that the purpose of this inquiry allows anyone a right to examine into my associations and my beliefs and my personal private convictions?

Chairman WALTER. So therefore you refuse or decline to answer?

Mr. HAYS. I decline to answer.

Mr. TAVENNER. May I have a direction?

Chairman WALTER. I direct you to answer that question.

Mr. HAYS. I must give the same answer, and decline under that privilege.

Mr. TAVENNER. Do you know whether People's Artists was a booking agency for People's Songs?

(Witness consulted with counsel.)

Mr. HAYS. Any question of that kind I will have to rely on the same privilege.

Chairman WALTER. Do I understand you to mean that you decline to answer this particular question?

Mr. HAYS. Yes, sir.

Mr. TAVENNER. Did the Weavers, of which you were a member, use the People's Artists as a booking agency?

(Witness consulted with counsel.)

Mr. HAYS. I am afraid this again comes under the area where I must decline to answer under the privilege.

Chairman WALTER. You are not under any compulsion. Do you decline?

Mr. HAYS. I do decline.

Mr. SCHERER. I understand you are invoking the fifth amendment?

Mr. HAYS. That is correct.

Mr. TAVENNER. My question related to the connection of the Weavers with People's Artists. Have you received any bookings, individually, through People's Artists?

Mr. HAYS. I decline to answer for the same reasons given.

Mr. TAVENNER. You told us that your profession of folk singing really became successful as a commercial matter about 1949. How were you employed prior to 1949?

Mr. HAYS. For what period, for example?

Mr. TAVENNER. Begin in 1949, and tell us how you were employed in 1948

Mr. HAYS. I have had a number of jobs. I believe in 1948 I was functioning as a folklorist in collecting and research, and in the course of that I was traveling about quite a bit, as I have done through the years ever since I can remember.

Mr. TAVENNER. Where did you do that research work?

Mr. HAYS. There are so many sources for folk material and folk-songs. There are libraries, and there are people, and there are folk festivals, and conventions, and there are record collections.

Mr. TAVENNER. Let me put the question in this way:

Were you employed to do that type of research work at any particular place?

Mr. HAYS. No; I was self-employed.

Mr. TAVENNER. For how long a period of time prior to 1948 was your time occupied in that type of work?

(Witness consulted with counsel.)

Mr. HAYS. Well, this is a lifelong profession, Mr. Tavenner, and it doesn't go along, it is interspersed with many jobs, let us say.

Mr. TAVENNER. What type of jobs? I want to find out for the benefit of the committee what the nature of your employment was. There shouldn't be anything complicated about stating it.

Mr. HAYS. I have worked in factories as a laborer, and I have worked in a public library as a page, and I have worked on numerous farms as a farmhand, and I have worked in the undesirable part of a good many greasy-spoon restaurants, and I have worked as I say at warehouse employment, and whatever came along, and wherever I was at the time that was sufficient to earn a living and still allow me to pursue my profession.

Mr. TAVENNER. I want to go back to approximately 1935. You need not go back any further than that.

Did you have any other type of employment from 1935 to 1949 that you have not described to us?

Mr. HAYS. I will try to think if I have left out anything.

(Witness consulted with counsel.)

Mr. HAYS. You are asking about employment and jobs, and not self-employment?

Mr. TAVENNER. Yes; any means by which you made a livelihood.

Mr. HAYS. I believe that the jobs that I have mentioned, the general areas of various types of laboring jobs, and considering the fact of an occasional job singing folksongs, that is, actually being paid, in those days sometimes as high as \$5 an evening, which doesn't constitute earning a living but it is part of the picture, I daresay.

Mr. TAVENNER. You said that you acted as a page in a library. What type of employment was that, and where?

Mr. HAYS. In Cleveland Public Library, when I was in Cleveland, in 1930 or so, that would be way before the period you asked. A page is a page. He usually was a student.

Mr. TAVENNER. There is no other employment that you engaged in which you can now recall beyond those you have described?

(Witness consulted with counsel.)

Mr. SCHERER. Maybe you can refresh his recollection a little, Counsel?

Mr. HAYS. Do you have anything in mind that I may have overlooked?

Mr. TAVENNER. Probably I have. I have before me a photostatic copy of the Daily Worker, issue of May 21, 1938, and it is an article written by Mike Gold, entitled "Change the World," and a part of the heading is "Uncle Mike Indulges in a Few Tabloid Reminiscences." I am not interested in the content of the article but in the introductory paragraph, it reads as follows:

Lee Hays runs the dramatics at Commonwealth, that brave and youthful workers college in Arkansas. I have never met this young mountainer, but in public print, Lee once referred to me as "Uncle Mike." Thanks, son, for bringing it to my attention.

Did you teach dramatics at Commonwealth College in Arkansas?

Mr. HAYS. Again, Mr. Tavenner, this is an area which I consider a matter of my personal convictions and beliefs, and therefore I must not get into a discussion of my associations and I must decline to answer for the grounds stated.

Chairman WALTER. I direct you to answer that question. Did you teach dramatics at this college?

Mr. HAYS. I must decline to answer under the same grounds, sir.

Chairman WALTER. You mean you do decline to answer?

Mr. HAYS. I do decline to answer.

Mr. TAVENNER. You had not forgotten that you did teach at Commonwealth College when I asked you to state your employment, had you?

(Witness consulted with counsel.)

Mr. HAYS. I don't know what you have in mind by a question like that.

Mr. TAVENNER. That ought to be plain enough. My question was that you were not short in your memory about your employment. You just were not going to tell the committee what your full employment had been; isn't that true?

(Witness consulted with counsel.)

Mr. HAYS. It seems to me that as I have given you the answers, I have been exercising my rights as a witness to assert my privilege whenever I felt the question was getting into an area of my associations or beliefs.

Mr. TAVENNER. What other occupation or employment did you have of which you have not yet told us?

Mr. HAYS. I have told you about as many as I can offhand remember. Again if you would like to refresh my memory, I would like to know what you have in mind.

Mr. SCHERER. What was the name of that college, Mr. Tavenner.

Mr. TAVENNER. Commonwealth College.

Mr. SCHERER. Did you forget about your employment at Commonwealth College, Witness? You said that you told us about as many as you could remember. Now I want to know whether you forget about your employment at Commonwealth College in responding to Mr. Tavenner's initial question about employment.

Mr. HAYS. Well, sir, when the initial question was asked, I declined to answer, asserting my privilege under the fifth amendment, and I think that I must decline to answer your question for the same reason.

Chairman WALTER. You think that you might be prosecuted for a crime if you admit that you taught dramatics at some college in Arkansas?

Mr. HAYS. That is not my inference at all, sir.

(Witness consulted with counsel.)

Mr. SCHERER. If that is not his inference, he is improperly invoking the fifth amendment.

Mr. HAYS. I don't believe that I am improperly invoking the fifth amendment.

Mr. SCHERER. Do you feel, Witness, that the answer to the question asked you by Mr. Tavenner about your employment at Commonwealth College would subject you to possible criminal prosecution?

(Witness consulted with counsel.)

Mr. HAYS. My answer is that I believe firmly that under the fifth amendment I have a right not to be a witness against myself.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Chairman WALTER. I direct you to answer the question.

Mr. SCHERER. We have a right to test this witness's sincerity and good faith in invoking the fifth amendment.

Chairman WALTER. I direct you to answer that question, and in that connection I would like to point out to you that so far as I know, it has never been a crime to teach anything in any college.

Mr. SCHERER. That is the reason I asked the question, Mr. Chairman.

Chairman WALTER. I directed you to answer the question.

(Witness consulted with counsel.)

Mr. HAYS. It is my understanding, Mr. Walter, that this institution that Mr. Tavenner brought up has been listed in the Attorney General's list.

Chairman WALTER. I didn't know that.

Mr. TAVENNER. Yes, that is correct. Commonwealth College was cited as Communist by Attorney General Tom Clark, on April 27, 1949, and by the Special Committee on Un-American Activities in its report of March 29, 1944.

To what was Mr. Gold alluding when he said in this introductory paragraph that you once referred to him as "Uncle Mike" in public print?

Mr. HAYS. In view of the manner in which this document has been introduced, I feel that I am not able to discuss any questions relating to it under my privilege.

Mr. TAVENNER. I have before me a photostatic copy of page 21 of the January 11, 1938, issue of New Masses. There I find an article entitled "Wants Communist Poetry," addressed to the New Masses, and signed "Lee Hays, Commonwealth College, Mena, Ark."

Will you examine it, please, and state whether or not you addressed such a letter to the New Masses?

(A document was handed to the witness.)

(Witness consulted with counsel.)

Mr. HAYS. Mr. Tavenner, I decline to answer that question for the reasons given.

Mr. TAVENNER. I desire to offer the document in evidence and ask it to be marked "Hays Exhibit No. 1" for identification only.

Chairman WALTER. Mark it and let it be received.

Mr. TAVENNER. The general purport of this article, Mr. Hays, is to complain about the form of Communist poetry and ask that it be of a more rugged and revolutionary character, is it not?

Mr. HAYS. I don't feel that I can answer any questions relating to this document under my privilege.

Mr. TAVENNER. The letter shows that it bears date of January 11, 1938, or at least it is printed on that date in New Masses, and that your address was Commonwealth College at that time. How long did you remain at Commonwealth College?

Mr. HAYS. Again for the reasons given, I have to decline to answer.

Mr. TAVENNER. Were you there in 1944?

Mr. HAYS. The same answer.

Mr. TAVENNER. Were you a member of the Communist Party on January 11, 1938?

Mr. HAYS. This question I do decline to answer according to my privilege under the fifth amendment.

Mr. TAVENNER. In 1949, you were practicing your profession in the city of New York, I believe, according to your testimony?

Mr. HAYS. That is correct.

Mr. TAVENNER. Did you become a member of the American Federation of Television and Radio Artists?

Mr. HAYS. Was there such a union in 1949?

Mr. TAVENNER. I didn't ask you whether you became a member in 1949. I asked you, after you came to work here, whether you became a member of it. It was not organized as early as 1949.

(Witness consulted with counsel.)

Mr. HAYS. I am not sure that I agree that this committee or anyone else has a right to inquire into my or anyone's union affiliations. I do think that I can tell you that to the best of my knowledge, and this is a peculiar thing to be shaky about, but to the best of my knowledge I have never been a member of this union.

Mr. TAVENNER. Of what union were you a member?

Mr. HAYS. The question again, it seems to me, invades the basic right of union membership, to be inviolate. The unions of which I have been a member are local 802 of the American Federation of Musicians, and the Variety Artists, AGVA.

Mr. TAVENNER. Were you a member of the American Federation of Radio Artists, which preceded the formation of the American Federation of Television and Radio Artists?

Mr. HAYS. I believe that I was never a member of this union, that is the best of my recollection.

Mr. TAVENNER. Just prior to 1949, you have not told us exactly what you were doing, but I have before me a photostatic copy, page 2, of People's Songs, issued February-March 1947. I see under the heading, "Board of Directors," there appears the name "Lee Hays." Were you a member of the board of directors in 1947?

Mr. HAYS. Would you repeat those dates, please?

Mr. TAVENNER. February and March of 1947.

Mr. HAYS. What does it say?

Mr. TAVENNER. It says, "Board of Directors," after naming others, and I find the name of Lee Hays.

Mr. HAYS. This is of People's Songs you are referring to?

Mr. TAVENNER. Yes, let me hand it to you so that you may see it.

(A document was handed to the witness.)

(Witness consulted with counsel.)

Mr. HAYS. This question I decline to answer under my privilege and the reasons already stated.

Mr. TAVENNER. Does the document show that the national director and the editor is Peter Seeger?

Mr. HAYS. The same answer.

Mr. SCHERER. I assume the exhibit does so show, Mr. Tavenner?

Mr. TAVENNER. Yes, sir, and I shall introduce the document in evidence and ask it to be marked, "Hays Exhibit No. 2," for identification only.

Chairman WALTER. Without objection, it is so ordered.

Mr. SCHERER. May I ask a question of the witness?

Mr. Hays, you said that you were engaged in research in this field about the year 1948, is that correct?

Mr. HAYS. That is correct.

Mr. SCHERER. Were there any results, as a result of this research? Were there any publications resulting?

(Witness consulted with counsel.)

Mr. HAYS. The only result I can think of, offhand, is in the general field of folklore. It is a murder mystery, relating to superstition and folklore which I wrote. I believe I wrote it in that year.

Mr. SCHERER. Who published it?

Mr. HAYS. Charm magazine. I do not know the issue.

Mr. SCHERER. Is that all that resulted from your research?

Mr. HAYS. No, there would be other things, and you asked about publications.

Mr. SCHERER. What other works resulted from your research work in those years?

Mr. HAYS. Writing songs for example which might not have been published, and learning songs, and swapping songs with people, and corresponding with people about folk music and folklore.

Mr. SCHERER. None of that material has been published then or was published?

Mr. HAYS. Not that I can specifically state as relating to that exact year.

Chairman WALTER. Under whose auspices was that work done?

Mr. HAYS. This is my own professional, personal, and private work.

Chairman WALTER. Who compensated you during that period for your work?

Mr. HAYS. This is the year 1948?

Chairman WALTER. The year that you were talking about, yes.

(Witness consulted with counsel.)

Mr. HAYS. I wasn't compensated, sir, for doing this particular work by anyone. It was not a very profitable enterprise.

Mr. TAVENNER. Were you doing this work for People's Songs?

Mr. HAYS. Although I have stated just now that I wasn't doing it for anyone but myself, this specific question that you now ask I do decline to answer under my privilege.

Mr. SCHERER. In view of his testimony, I ask that you direct the witness to answer.

Chairman WALTER. I direct you to answer that question.

Mr. HAYS. I decline to answer.

Mr. TAVENNER. Did People's Songs receive a grant from any source to carry on this work which you have described?

(Witness consulted with counsel.)

Mr. HAYS. I must decline again on the same reason.

Mr. TAVENNER. Have you received personally any grants from any source for the purpose of carrying on that type of work?

Mr. HAYS. Would you define what you mean by the word "grant"?

Chairman WALTER. Compensation or anything of value; let us put it that way.

Mr. HAYS. You mean as from a foundation?

Mr. TAVENNER. It would include that.

Mr. WILLIS. But it would not include any other source.

Mr. TAVENNER. That is right.

Mr. HAYS. What other sources would there be?

Mr. TAVENNER. You are in a better position to know.

Mr. HAYS. Philanthropic foundations. I have had no such grants from any research organization or any philanthropic organization like the Guggenheim, or the Rosenwald, or whatever it was.

Mr. TAVENNER. What was the source of the compensation that you received for that work?

Mr. HAYS. I believe that I can say that I received no specific compensation for any of this general research work, that it adds only to my professional ability to perform and function perhaps years later on, when I am employed as a folk singer.

Mr. TAVENNER. You were performing this type of work as part of your general duties in the employment that you had at that time?

Mr. HAYS. In the personal profession that I have had for a good many years.

Chairman WALTER. What was your source of income? You have testified that between 1949 and 1953 you were gainfully employed by the Weavers, and before that time you were not.

Now, what we would like to know is what your source of income was the year before you got this steady employment with the Weavers?

(Witness consulted with counsel.)

Mr. HAYS. At various times during that period I had individual jobs as a singer, paying sometimes not too much.

Chairman WALTER. \$5 you said a moment ago, "as much as \$5."

Mr. HAYS. That is not just a joke, either, because of the precarious living that folk singers make. There might have been an occasional \$20 booking, and it would have looked like a fortune.

Chairman WALTER. Did you have any of those?

Mr. HAYS. I don't remember specifically the amounts that I may have earned.

Chairman WALTER. What other source of income did you have during that period?

Mr. HAYS. This is the year 1948?

Chairman WALTER. The year immediately before your steady employment with the Weavers.

Mr. HAYS. Offhand I can't honestly remember that there was anything other than what I have already stated, these occasional jobs.

Mr. TAVENNER. Going back to Hays Exhibit No. 2, it is noted that Earl Robinson is one of those who served on the board of directors in 1947. Were you acquainted with Earl Robinson?

(Witness consulted with counsel.)

Mr. HAYS. Would you separate that question from the reference to this document, Mr. Tavenner?

Mr. TAVENNER. No, sir; you may separate it if you desire.

Mr. HAYS. You state that Earl Robinson—

Mr. TAVENNER. If I asked you 2 questions in 1, I didn't mean to. I will try to clarify it.

Are you acquainted with Earl Robinson?

Mr. HAYS. Yes, sir.

Mr. TAVENNER. Was he a member of the board of directors of People's Songs in 1947?

(Witness consulted with counsel.)

Mr. HAYS. I believe that I will decline to answer that under my privilege as a question inquiring into my associations.

Chairman WALTER. Do you decline?

Mr. HAYS. I do decline.

Mr. SCHERER. Are you invoking the fifth amendment or just the first amendment?

Mr. HAYS. That is correct. The fifth amendment.

Mr. TAVENNER. Is Mr. Earl Robinson's telephone number your telephone number now?

(Witness consulted with counsel.)

Mr. HAYS. It is.

Mr. TAVENNER. Do you live at the same place?

Mr. HAYS. I live at the same address; yes.

Mr. TAVENNER. Was Earl Robinson engaged in the business of People's Songs in 1947?

Mr. HAYS. I decline to answer that under the reasons given.

Mr. TAVENNER. What is Mr. Robinson's employment now?

(Witness consulted with counsel.)

Mr. HAYS. I can tell you what his profession is.

Chairman WALTER. We want to know what he is doing now, and not what his profession is.

Mr. HAYS. I would like to ask you to state the question again, and now I am confused.

Mr. TAVENNER. What is Mr. Earl Robinson's employment now?

(Witness consulted with counsel.)

Mr. HAYS. The reason I was confused is because many composers—I take it for granted Mr. Robinson is self-employed.

Mr. TAVENNER. I am not asking you to take anything for granted, I am asking you to state his employment, if you know.

Mr. HAYS. All I know is that he is a composer, and that he is employed composing music.

Mr. TAVENNER. By whom?

Mr. HAYS. Self-employed.

Mr. TAVENNER. You are not assuming that, you are stating that you know that?

Mr. HAYS. Well, isn't a composer automatically self-employed, and I don't know the details of his business and to whom he may sell his compositions. I only know that he writes them.

Mr. TAVENNER. You seem in some doubt about it.

Are you acquainted with Mr. Alan Lomax?

Mr. HAYS. I have been.

Mr. TAVENNER. Where is Mr. Lomax now?

Mr. HAYS. I don't know.

Mr. TAVENNER. Is he in this country?

Mr. HAYS. I don't know.

Mr. TAVENNER. Did he serve on the board of directors of People's Songs in 1947?

Mr. HAYS. As with any of these others, I must take the same privilege and decline to answer.

Mr. TAVENNER. Wasn't he actually the founder of People's Songs?

Mr. HAYS. I must again give the same answer.

Mr. TAVENNER. Will you tell the committee to what extent the Communist Party was interested in the product of People's Songs, if any?

Mr. HAYS. I decline to answer that question under the privilege of the fifth amendment.

Mr. TAVENNER. Experienced as you were in the field of research of folk songs, and as a folk-song singer, will you tell the committee whether or not the Communist Party used People's Songs in order to support any of the organizations or programs in which it was interested?

(Witness consulted with counsel.)

Mr. HAYS. I will give you the same answer as before.

Chairman WALTER. By that you mean you decline to answer because of the reasons given before?

Mr. HAYS. That is right.

Mr. TAVENNER. I have before me a photostatic copy of the Daily People's World of November 15, 1954, in which there appears reference to an appearance on the west coast of a concert of People's Art Songs, sponsored by the Northern California Peace Council.

The committee has just returned from southern California where it heard a great deal of evidence about peace crusade work in California and how the State of California was divided into two areas, the southern part, of which Peter Hyun was the executive secretary, and then the northern part. Will you tell this committee anything about the circumstances under which you were employed to take part in this enterprise sponsored by the Northern California Peace Council?

Mr. HAYS. I am confused now. Could I see the document?

Mr. TAVENNER. Yes, sir.

(A document was handed to the witness.)

(Witness consulted with counsel.)

Mr. HAYS. As far as I can tell, this does not say that I am taking part as you say in this thing.

Mr. TAVENNER. What does it say about you?

Mr. HAYS. I believe it says that someone is going to sing some songs allegedly written by me, among others. I believe that is all it says.

(Witness consulted with counsel.)

Mr. TAVENNER. Were you there on that occasion?

Mr. HAYS. I wasn't in California so far as I recall.

Mr. TAVENNER. You did not take part in the program then?

Mr. HAYS. As I stated, I did not take part. This is purely a listing of certain songs that I am supposed to have written.

Chairman WALTER. Did you participate in any activities on behalf of this California Peace Council?

Mr. HAYS. Is that the name of the organization you are asking me about?

Chairman WALTER. Did you participate on behalf of any program which was announced as being in furtherance of peace?

Mr. HAYS. I don't know anybody who is against that.

Chairman WALTER. Everybody is for peace; yes.

Mr. HAYS. But there must be a good many organizations active for peace, and I couldn't answer a general question like that. I am not connected with California at all for that matter.

Chairman WALTER. But did you participate in any sort of a performance in California conducted by Jenny Wells?

(Witness consulted with counsel.)

Mr. HAYS. My best recollection is sir, that I did not.

Chairman WALTER. All right. Proceed, Mr. Tavenner.

Mr. TAVENNER. The article referred to says that these songs were songs by various persons, including Lee Hays. What songs have you composed?

(Witness consulted with counsel.)

Mr. HAYS. A folk singer quite often changes songs as he learns them and sings them, and sometimes he gets credit for it and sometimes he doesn't. I have worked on a good many songs which people have learned and sung. I have written some. I have rewritten others in the course of my professional life. I have written a great many songs. I regret to say that there are not nearly as many good songs among them as I should have liked.

Mr. TAVENNER. Give us the names of those that you feel are good songs.

Mr. HAYS. I wrote a song more or less based on a little fragment of a folk song, out of one of Carl Sandburg's books, called, The Colorado Trail. With the Weavers I wrote a great deal of material which finally came out as Kisses Sweeter Than Wine.

I worked on what we call the folk process, the editing of a good many songs, including one which, according to the New York Post has been quite useful here lately when ceremonies for former Air Force Secretary Talbott on August 12—I see that the Air Force Band played a Weavers song, So Long, It's Been Good to Know You. So that folk songs generally have their purposes, and this is one of the ones that I can't claim authorship for but I can say in the course of singing it, I have added and subtracted lines from it and from a good many other songs. I just rewrote yesterday, I wrote two verses to the Ballad of John Henry, which I hope someday will be of some use to folk singers.

Mr. TAVENNER. We have just heard one of your songs, entitled, Wasn't That a Time. Were you the author of it?

(Witness consulted with counsel.)

Chairman WALTER. Did you write that song?

Mr. HAYS. I will decline to answer that question, sir, under the privilege of the fifth amendment.

Mr. SCHERER. Wasn't that the song Elliott Sullivan had on his program at Wingdale Lodge?

Mr. TAVENNER. That was one of the items at the summer camp on the weekend of July 4, 1955.

Mr. SCHERER. It is the one that deals with Valley Forge, Gettysburg, and Bunker Hill.

Mr. TAVENNER. Yes.

Mr. SCHERER. It sort of ridicules them, doesn't it?

Mr. TAVENNER. Could it be that the use the Communist Party has put your songs to has influenced you in your refusal to answer the question that I asked you?

(Witness consulted with counsel.)

Mr. HAYS. I think this is in the matter of my associations, and beliefs, and I will decline to answer under my privilege.

Mr. TAVENNER. Wasn't the song that I referred to, Wasn't That a Time, written for the purpose of extending comfort to those who were convicted under the Smith Act case, the 11 who were tried and convicted in Foley Square?

(Witness consulted with counsel.)

Mr. HAYS. You are still in this area of my associations and beliefs, and I must decline to answer.

Mr. TAVENNER. What I am trying to get at, Mr. Hays, is to learn to what extent the Communist Party has used you in its program to advance the cause of the Communist Party in this country.

Mr. HAYS. I don't know what you mean, sir, by the use of the word "used."

Mr. TAVENNER. I mean used in the sense that you contributed your talent and your services, and your time, and your effort knowingly to assisting the Communist Party in the field of your talent.

(Witness consulted with counsel.)

Mr. HAYS. You are asking questions which to me are highly argumentative and debatable, and I don't propose to get into that debate and argument because it is an area that deals with associations and beliefs and so I do decline to answer that under the reasons stated.

Mr. TAVENNER. It is not an argument, it is a question calling for a factual reply.

Mr. HAYS. I give you the same answer, sir.

Chairman WALTER. You decline to answer because of the fifth amendment, is that right?

Mr. HAYS. Under the privilege of the fifth amendment.

Chairman WALTER. Under the privilege, yes.

Mr. HAYS. I decline to answer.

Mr. TAVENNER. Were you a member of the Communist Party from 1949 until the time your association with the Weavers terminated?

(Witness consulted with counsel.)

Mr. HAYS. I decline to answer for the same reasons.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. HAYS. I decline to answer for the same reason.

Mr. TAVENNER. Mr. Chairman, during the course of the committee's investigation, it was discovered that there is another person in the field

of entertainment by the same name, and both the first name and the last name have the same spellings. This other individual by the name of Lee Hays—or first let me ask you, what is your address?

Mr. HAYS. 11 Cranberry Street.

Mr. TAVENNER. I am mentioning this so that the press will not get the two names confused, and so the record will be clear. The address of the other Lee Hays who is to be kept distinct in description from the one on the witness stand—I am sorry to say, I have his telephone number and not his address, and so I don't want to give his telephone number.

Mr. HAYS. His address is on my subpoena. Perhaps that would help you.

Mr. TAVENNER. Very well, sir.

The address of the other Mr. Hays is 309 West 82d Street. The other Mr. Hays has been in television, screen, and the theater.

I have no further questions, Mr. Chairman.

Chairman WALTER. Are there any questions?

Mr. SCHERER. I have a question, Mr. Chairman.

Mr. Hays, you have refused to answer all significant questions basing your refusal to answer on your privilege to do so under the fifth amendment. In other words, you have said to us that you refuse to answer these questions because you fear that to answer those questions might tend to incriminate you.

The last Congress passed a law which gives this committee, with the approval of the Federal court, the right to grant you immunity. In other words, it can say to you that no matter what your answers might be to the questions propounded, you cannot be prosecuted.

Now, if this committee should see fit in your case to grant you immunity, would you answer the questions?

(Witness consulted with counsel.)

Mr. HAYS. Mr. Scherer, my advice is that this matter is still being considered in the courts, and that it has not come to a final conclusion. Therefore, I would have to wait until the matter was settled before I could face that situation.

Mr. SCHERER. Let us go one step further.

I disagree with what your counsel has said, but let us assume that it is in the courts and let us assume that the courts eventually decide that this law passed by the 83d Congress is constitutional and is a proper law, and then this committee, after such a decision, should decide in compliance with that law, as I said before, to grant you immunity with the approval of the Federal court.

In other words, no matter what your answers might be to the questions propounded, you could not suffer the prosecution or the incrimination which you say that you now feel and which is the basis of your refusal to answer these questions.

Would you then answer the questions?

Mr. HAYS. Mr. Scherer, it seems to me that this is a supposition that you are asking me to comment on.

Mr. SCHERER. Yes, it is.

Mr. HAYS. And I would prefer to wait until the matter was settled and I was faced with the problem before having to give an answer to it.

Mr. SCHERER. My question was that if you had nothing to fear, would you then answer the questions?

Mr. HAYS. I will still wait until the matter was settled.

Mr. SCHERER. That is all.

Chairman WALTER. The witness is excused, and we will take a 5-minute recess.

(Whereupon a short recess was taken by the committee.)

Chairman WALTER. The committee will be in order.

Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Irma Jurist, will you come forward please?

Mr. SACKS. My client requests no pictures be taken.

Chairman WALTER. Your request will be complied with.

Will you raise your right hand, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. JURIST. I do.

TESTIMONY OF IRMA JURIST, ACCOMPANIED BY HER COUNSEL, RAYMOND SACKS

Mr. TAVENNER. Will you state your name, please?

Mrs. JURIST. Irma Jurist.

Mr. TAVENNER. Will you spell it?

Mrs. JURIST. J-u-r-i-s-t, it is a sort of lawyer's name. I-r-m-a.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. SACKS. Raymond Sacks, 36 West 44th Street.

Mr. TAVENNER. Are you a native of New York City?

Mrs. JURIST. Yes, I am.

Mr. TAVENNER. Where do you now reside?

Mrs. JURIST. 601 West 113th Street.

Mr. TAVENNER. What is your profession, please?

Mrs. JURIST. I am a composer and housewife.

Mr. TAVENNER. How long have you been engaged in the business of composing, professional speaking?

Mrs. JURIST. May I read? I tell you I am a very poor speaker, and I——

Mr. TAVENNER. That only requires giving a date, and you shouldn't——

Mrs. JURIST. You mean in a formal way?

Mr. TAVENNER. How long have you been engaged professionally as a composer?

Mrs. JURIST. I would say from about the years 1945 and 1946, until through my last show, which was, Caesar and Cleopatra.

Mr. TAVENNER. Will you tell the committee what your formal educational training has been?

Mrs. JURIST. All of my schooling was received in New York City. At the end of my junior year, at college, I left to pursue my musical studies, and I went to Hunter College. In the middle 1930's, I completed my formal school training and graduated summa cum laude from the Viller Quail School where I had been a scholarship student from earliest childhood. I then taught at the school.

Don't take pictures.

Chairman WALTER. You have heard the request, and please, gentlemen.

Mr. TAVENNER. I am sorry, I didn't hear your last statement.

Mrs. JURIST. You mean the last part of that statement?

Mr. TAVENNER. You taught at the school?

Mrs. JURIST. Yes, sir, I will try to speak up.

Mr. TAVENNER. At what school was that?

Mrs. JURIST. The Viller Quail School, a very fine music school.

Mr. TAVENNER. And you taught there during what years?

Mrs. JURIST. I think 1937 and 1938. I think that was it.

Mr. TAVENNER. You stated a moment ago that you had composed through your last show; what show is that you are speaking of?

Mrs. JURIST. They came together, they came simultaneously. You would have made it so much easier if you had just let me read it straight.

Mr. TAVENNER. Very well, proceed.

Mrs. JURIST. It is very simple. For a number of years, from approximately 1938 until 1948, I worked with an eminently gifted comedian and artist in a variety of supper clubs. We were very popular, and a very amusing team, and were constantly regaled with requests to appear at many functions. We entertained at the annual Gambol of the Lambs Club, for the 12 Night Club, at various and sundry highly social and, I presume, respectable occasions. As a matter of fact, I even recall a birthday party to which we were invited to entertain, which was the birthday party for one of the presidents of the New York Stock Exchange, since deceased.

During the war, when entertainers were on constant call for their services, we did a very substantial amount of volunteering, and appeared at stage-door canteens both here and in Washington, and at Army and Navy posts in this vicinity. On occasion we also had commercial employment.

Some of the supper clubs where we were engaged were—and some of these go back quite a number of years and are not very familiar names—Schaeffer House, which is defunct; Cotillion Room at the Pierre, in the year 1940 and 1941; the Blue Angel, we had two engagements there, 1941 and 1948; the Starlight Roof of the Waldorf; Pari Kitchen, which was a little pleasant French restaurant; and the Somerset in Boston, approximately 1947; and the Golden Room of the Copacabana in Rio de Janeiro.

Shall I continue?

Chairman WALTER. Well, if you want to, go ahead.

Mrs. JURIST. It makes it so much simpler for me, and I have thought it through this way.

Mr. SCHERER. I wish the witness would talk a little louder. I can't hear her.

Mrs. JURIST. In 1943, or 1944, I became Gertrude Lawrence's accompanist in a radio series of musical plays in which she was starred.

At about that time I began to think seriously about composing. I had done some years back, quite informally, for modern dancers. Composing for the theater seemed to me at the time such a lucrative career—how innocent I was.

Shortly thereafter I had my first encounters with the commercial theater in the area of composing.

During the next few years I worked on scores for Spec.

Mr. TAVENNER. When did that begin, please?

Mrs. JURIST. About 1944 and 1945. I was employed as a matter of fact.

Mr. TAVENNER. Now you have begun to answer the question I asked you.

Mrs. JURIST. I couldn't remember that date without looking at this paper, though.

During the next few years I worked on scores for Spec, and coached, and accompanied, and prepared material for reviews, which remained unproduced, and lived on promises, and unfortunately, borrowed money, and stubbornly continued composing and studying.

By 1949 I finally received a tangible commission and contract with a small retainer fee.

That winter, the winter of 1949, I had two credits on Broadway—Lo and Behold—Caesar and Cleopatra, and a show called Alive and Kicking. The management of A. & K. absconded with all of my royalties. Caesar did not pay back its production costs, and so I could not receive the balance of my fee, and then being newly married, I decided to kiss an unprofitable business goodbye.

Since that time I have been unremittingly involved in life with my family.

That is my entire report on my career, my professional career.

Mr. TAVENNER. Did you also during that period of time write the musical score for movies and plays?

Mrs. JURIST. Yes; how silly of me to have left that out. Of course I did. It shows that you should never write your little preparations at night when you are sleepy.

I wrote the scores, and I did some original scores for two United Nations films, and I am glad you mentioned that, and one of them was called, International Road Signs, which dealt with the way people drive cars, and the other was a story of delegates, and I selected and edited some music for a film that I think we did, I think it was on Bolivia or Chile, and I don't remember which it was. I was in a free-lance capacity for the United Nations.

What was your other question? I sort of lost it. You asked me if I did films and something else.

Mr. TAVENNER. Did you write musical scores for the stage?

Mrs. JURIST. And the stage, oh, yes. Did I leave something out? I thought I sort of generally covered almost everything that I could remember.

Mr. TAVENNER. You were speaking of the films——

Mrs. JURIST. Yes; United Nations films.

Mr. TAVENNER. Were there other films for which you wrote the score?

Mrs. JURIST. Oh, yes; I did an original score for a short on Degas, the French painter, and I also selected some music for a series of art films that were done in connection, and they were art films that were independently produced. You know, it was music from Liszt which I entered, and added some Berlioz, and others.

Mr. TAVENNER. Does that complete the list?

(Witness consulted with counsel.)

Mrs. JURIST. It does, to the best of my recollection.

Have you anything particular in mind?

Mr. TAVENNER. Did you write the music for Carl Marzani's exposé of monopoly, as it was called, Dollar Patriots?

Mrs. JURIST. I respectfully submit this question is an encroachment on my constitutional rights, and I therefore very simply plead the protection of the fifth amendment.

Mr. SCHERER. I ask you to direct the witness to answer the question.

Chairman WALTER. I direct you to answer that question.

Mrs. JURIST. Does that mean that I repeat my answer?

Chairman WALTER. I have directed you to answer the question.

(Witness consulted with counsel.)

Mrs. JURIST. I repeat my answer, sir, as I have stated it.

Chairman WALTER. In other words, you refuse to answer, and give as a reason the protection afforded people under the fifth amendment of the Constitution?

Mrs. JURIST. Yes; I quite so do. I think that you have said it much better than I did.

Chairman WALTER. I have had more experience.

Mrs. JURIST. We should change seats.

Mr. TAVENNER. Are you acquainted with Carl Marzani?

Mrs. JURIST. I respectfully submit, sir, that this is an encroachment of my constitutional rights, and I therefore firmly plead the protection of the fifth amendment.

Chairman WALTER. And decline to answer?

Mrs. JURIST. And decline to answer; yes, sir.

Mr. TAVENNER. According to the October 29, 1948, issue of the Daily Worker, a photostatic copy of which I have before me, Dollar Patriot was written by Carl Marzani, the commentary was by Sam Wanamaker, and the music by Irma Jurist. Are you acquainted with Sam Wanamaker?

Mrs. JURIST. Do you really want me to answer that?

Mr. TAVENNER. Yes; I would like for you to.

Mrs. JURIST. I respectfully submit this question is an encroachment of my constitutional rights, and I decline to answer, and I plead the protection of the fifth amendment.

Mr. TAVENNER. Will you tell the committee what interest the Communist Party had in the production of that movie?

Mrs. JURIST. If I knew I would be very glad to tell you, however, I must plead the fifth amendment, out of ignorance.

Mr. TAVENNER. You must plead the fifth amendment out of ignorance?

Mrs. JURIST. It doesn't sound very right, "out of ignorance," but it is a fact.

(Witness consulted with counsel.)

Mrs. JURIST. I decline to answer—the same answer as before.

Mr. SCHERER. I ask you to direct the witness now, in view of her statement. She said if she knew she would be glad to tell us, and then she pleads the fifth amendment, so she is obviously improperly and not in good faith, invoking the fifth amendment.

Mrs. JURIST. Well then, in good faith, in answer to a question of this nature, may I put it perhaps a little more seriously? Let me plead the protection of the fifth amendment.

In other words, I decline to answer and plead that protection.

Chairman WALTER. Who was the person that you asked her about?

Mr. TAVENNER. Sam Wanamaker.

Chairman WALTER. And you feel that if you would answer the question as to whether or not you know Sam Wanamaker, you might be involved in some sort of a criminal proceeding?

Mr. SCHERER. I am sorry, let me interrupt, but counsel is in error, and he propounded the wrong questions.

Mr. TAVENNER. I had asked that question prior to the one we are now discussing.

Mr. SCHERER. The question before the witness is a different one.

Chairman WALTER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Were you a member of the Communist Party at the time Dollar Patriots was filmed?

Mrs. JURIST. I deem this an improper question, and I plead the protection of the fifth amendment.

Mr. TAVENNER. Do you refuse to answer.

Mrs. JURIST. I refuse to answer.

Mr. TAVENNER. Will you tell the committee, please, whether or not your residence was used for Communist Party purposes at any time between 1945 and 1948?

Mrs. JURIST. I decline to answer and invoke the protection of the fifth amendment.

Mr. TAVENNER. You spoke of musical skits in which you participated. Where were the rehearsals done for those skits?

Mrs. JURIST. Usually at rented halls, to my knowledge. Various studios, or if it was a production that was really going to take place, they generally had the use of a theater.

Mr. TAVENNER. I am speaking of rehearsals and practices.

Mrs. JURIST. Yes; you are referring to that. On occasion my own home, which was really a studio, too, and after all, I did all of my work at my home and my piano is at home, and whatever teaching or coaching I did at home, at my studio.

Mr. TAVENNER. Were any of these skits in which you participated put on at Cafe Society downtown?

Mrs. JURIST. I didn't participate in skits. I don't write texts, I only write music.

Mr. TAVENNER. Did you accompany any of the entertainers in skits?

Mrs. JURIST. I don't understand the purpose of the question. Cafe Society, you mean the professional night club?

Mr. TAVENNER. Any place downtown.

Mrs. JURIST. I think I understand you then. I decline to answer Counsel, and I must invoke the fifth amendment. Where I fail to understand you, I must get clarification.

Mr. TAVENNER. What field generally did these musical skits cover which you participated in?

Mrs. JURIST. I really don't understand that question. In a sense we have separated certain questions in our minds, haven't we?

Mr. TAVENNER. Let us see if we can understand each other. Did you prepare or assist in preparing skits to be used for political purposes in political campaigns?

Mrs. JURIST. Yes; I decline to answer on previously stated grounds.

Mr. TAVENNER. Do you recall a skit entitled, "Show Time for Wallace"?

Mrs. JURIST. I decline to answer on previously stated grounds.

Mr. TAVENNER. Did you work in that skit?

(Witness consulted with counsel.)

Mrs. JURIST. I decline to answer and invoke the privilege of the fifth amendment.

Mr. SCHERER. Did you ever receive any compensation either directly or indirectly from the Communist Party for any of the work you did?

(Witness consulted with counsel.)

Mrs. JURIST. I decline to answer that. Mr. Scherer, on grounds of self-incrimination, and all the protection the fifth amendment affords me.

Mr. SCHERER. Did you ever make any contributions, either financial or through your work, to the Communist Party directly or indirectly?

Mrs. JURIST. I think this is a dreadful question. I really do. I must refrain from answering this question, Mr. Scherer, and plead my protection of the fifth amendment. I think that is really quite a question. I don't know what purpose it will serve either.

Mr. SCHERER. I am giving you the opportunity to answer.

Mrs. JURIST. I have answered.

Mr. TAVENNER. Was your home used at any time for the purpose of the annual registration of Communist Party members?

Mrs. JURIST. I decline to answer that on previously stated grounds.

Mr. TAVENNER. Are you now a member of the Communist Party?

(Witness consulted with counsel.)

Mrs. JURIST. Excuse me, sir. I might as well enjoy myself. I have been so tired all day long here.

(Witness consulted with counsel.)

Mrs. JURIST. Just one second here.

Now, would you repeat the question?

Mr. TAVENNER. Would you read her the question?

(Whereupon the reporter read the pending question as above recorded.)

Mrs. JURIST. It would be nice in a sense to end my testimony with a great deal of bravura, and a great many statements, and in some way try to use this desk as a platform, but I am really not a speaker, and I am not prepared to do things like that.

Chairman WALTER. What is your answer to this question?

Mrs. JURIST. Then, comma, or semicolon, I decline to answer, invoking my protection in the fifth amendment.

Mr. TAVENNER. I have no further questions.

Chairman WALTER. The witness is excused.

Mr. TAVENNER. I will call Mr. Joshua Shelley.

Mr. Shelley, will you come forward, please?

Mr. POPPER. I am the attorney for Mr. Shelley, and I explained to Mr. Beale about a week ago that Mr. Shelley could not be here until tomorrow afternoon. He had an engagement out of town and hasn't had a chance to consult with counsel. His engagement only finished at the end of the week, and if Mr. Beale is here, he will confirm that fact. I am calling to your attention that Mr. Beale said, "O. K."

Chairman WALTER. We will grant your application for a postponement until tomorrow.

Have you another witness, Mr. Tavenner?

Mr. TAVENNER. Mrs. Susan d'Usseau.

Mr. FRANCE. Mr. Chairman, my client lacks hearing in one ear, and I wonder if I might sit on this side of her.

Chairman WALTER. Whatever is convenient to you.

Will you raise your right hand, please, Mrs. d'Usseau?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. d'USSEAU. I do.

**TESTIMONY OF MRS. SUSAN d'USSEAU, ACCOMPANIED BY HER
COUNSEL, ROYAL FRANCE**

Mr. TAVENNER. Will you state your name, please?

Mrs. d'USSEAU. Susan d'Usseau.

Mr. TAVENNER. Will you spell your last name, please?

Mrs. d'USSEAU. Small d, apostrophe, capital U-s-s-e-a-u.

Mr. TAVENNER. Would you try to raise your voice a little? There is no amplifying system here.

Where do you reside, Mrs. d'Usseau?

Mrs. d'USSEAU. In New York City.

Mr. TAVENNER. How long have you lived in New York City?

Mrs. d'USSEAU. All of my life.

Mr. TAVENNER. Have you been engaged in a profession?

Mrs. d'USSEAU. I am an artist.

Mr. TAVENNER. Are you a writer, also?

Mrs. d'USSEAU. No; I am not.

Mr. TAVENNER. You have not engaged in writing?

Mrs. d'USSEAU. No.

Mr. TAVENNER. You are an artist?

Mrs. d'USSEAU. A painter.

I think that you have made a mistake in calling me to this committee. I have nothing to do with the theater.

Mr. TAVENNER. It hasn't anything to do with the theater. You were subpoenaed before this committee in 1953, and as a matter of convenience to your attorney, you were not called at that time.

Have you lived in the State of California at any time?

Mrs. d'USSEAU. Yes, I have.

Mr. TAVENNER. During what period of time did you live there?

(Witness consulted with counsel.)

Mrs. d'USSEAU. Between 1938 and 1941, I think.

Mr. TAVENNER. While living there, did you become acquainted with Stanley Roberts?

Mrs. d'USSEAU. Do you mean that thing that talked badly about people who befriended him when no one else would?

Chairman WALTER. We don't know anything about that.

Do you know this man, Stanley Roberts?

Mrs. d'USSEAU. I refuse to answer that question.

Mr. SCHERER. I ask you to direct the witness to answer that question.

Chairman WALTER. You are directed to answer the question.

Mrs. d'USSEAU. On the basis of the first and fifth amendments.

Mr. TAVENNER. Mr. Roberts testified before this committee that he met Arnaud d'Usseau and his wife Susan d'Usseau in 1938, and that they asked him to become a member of the Communist Party.

Did you endeavor to recruit Mr. Roberts into the Communist Party?

Mrs. d'USSEAU. I refuse to answer that question on the basis of the first and fifth amendments.

Mr. TAVENNER. Were you engaged in any business in 1938, in Los Angeles, or in Hollywood?

(Witness consulted with counsel.)

Mrs. d'USSEAU. I refuse to answer that question on the same grounds.

Chairman WALTER. I direct you to answer that question.

Mrs. d'USSEAU. Well, in the first place, I don't know why you are investigating me, because this committee is supposed to be investigating the theater, and—

Chairman WALTER. No, we are not supposed to be doing anything of the sort. We are charged with the responsibility of investigating communism and Communist activities no matter where, whether it is in the theater, labor unions, or wherever it is.

Mrs. d'USSEAU. I also think that what I do and what I think, and what I feel, and what I have done, is a very private affair.

Chairman WALTER. Were you in business in Hollywood in 1938?

(Witness consulted with counsel.)

Mrs. d'USSEAU. I refuse to answer that question.

Chairman WALTER. I direct you to answer the question.

Mr. FRANCE. She said on the grounds of the first and fifth amendments.

Mr. TAVENNER. Not knowing all types of business that you may have been engaged in, I will make my question more specific. Did you operate a bookstore in 1938 in Hollywood?

Mrs. d'USSEAU. It is the same question and I still refuse to answer.

Mr. TAVENNER. You refuse to answer that question?

Mrs. d'USSEAU. On the grounds of the first and fifth amendments.

Mr. TAVENNER. Were you acquainted in Hollywood with a person by the name of Pauline Swanson Townsend?

Mrs. d'USSEAU. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Mrs. Townsend testified before this committee, as Mr. Roberts did, about the period of time she was in the Communist Party. She discussed the reasons that took her into the Communist Party, and the reasons that took her out of it.

Mrs. Townsend testified that she was assigned to a group of writers' wives within the Communist Party, that is, the husbands of these persons were writers, and this was a group composed of wives of writers. She described what her activities in the Communist Party were, and she told the committee how she was employed at the time in the Fourth Fighter Command as a radar plotter. It was a position which she enjoyed and in which she felt she was doing something useful in the war years. She said after being in the Communist Party a short time, Elizabeth Leech, the section organizer of the Communist Party, decided that she must take over the job of executive secretary of the Los Angeles County Council of the National Council of American-Soviet Friendship.

In other words, she must get out and take over the duties of that office. She did not want to do that. Her friends and her husband protested against the new assignment. She said that, "Susan d'Usseau wrote from New York protesting," that she be taken out of this

Communist Party group and assigned to this secretarial position with the National Council of American-Soviet Friendship.

Will you tell the committee whether you did make a protest, and if so, why you made it?

Mrs. D'USSEAU. I don't know how I can answer that question.

Mr. TAVENNER. Well, first, did you make a protest?

Mrs. D'USSEAU. Knowing this woman, and so I refuse.

Mr. TAVENNER. You have not acknowledged it but neither have you denied that you knew Mrs. Townsend.

Mrs. D'USSEAU. No.

Mr. TAVENNER. Did you protest her assignment to this secretarial position?

Mrs. D'USSEAU. I am not going to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Then you decline to testify as to any of the reasons which might have been involved in the matter?

You stated that you returned to New York in 1941. In what business did you engage in New York after you returned in 1941?

Mrs. D'USSEAU. None, I studied art.

Mr. TAVENNER. Did you engage in work as an instructor or lecturer at any school in New York?

Mrs. D'USSEAU. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Did you actively take part in the May Day parade on April 30, 1947?

Mrs. D'USSEAU. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Have you been active in the National Civil Rights Legislative Conference which was held in Washington in January of 1949?

Mrs. D'USSEAU. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. The reason I am asking you these questions is that the committee has received a great deal of testimony indicating the type of activities that Communist Party members understood they were required to perform, and in some cases, were directed to perform, as Communist Party members, outside of the actual Communist Party group.

Mrs. D'USSEAU. No one ever directed me to do anything, and whatever I do, I do because I want to.

Mr. TAVENNER. Did you engage in activities in any mass organization because you understood that as a member of the Communist Party you were supposed to do that?

(Witness consulted with counsel.)

Mrs. D'USSEAU. I am not going to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Were you a signer in 1950 of a resolution against atomic weapons, sponsored by the National Council of Arts, Sciences, and Professions?

Mrs. D'USSEAU. I am not going to answer that question, on the same grounds.

Mr. TAVENNER. Were you an endorser of the National Council of American-Soviet Friendship in December of 1949?

Mrs. D'USSEAU. I am not going to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Are you a member of the Communist Party at this time?

Mrs. D'USSEAU. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Have you been a member of the Communist Party at any time in New York since your return from Hollywood in 1941?

Mrs. D'USSEAU. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Chairman WALTER. Are there any other questions?

The committee is adjourned until 10 o'clock tomorrow morning.

(Whereupon at 4:10 p. m., the committee recessed to reconvene at 10 a. m., Wednesday, August 17, 1955.)

(Testimony of witnesses appearing on August 17-18, 1955, printed in pt. VII of this series.)

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